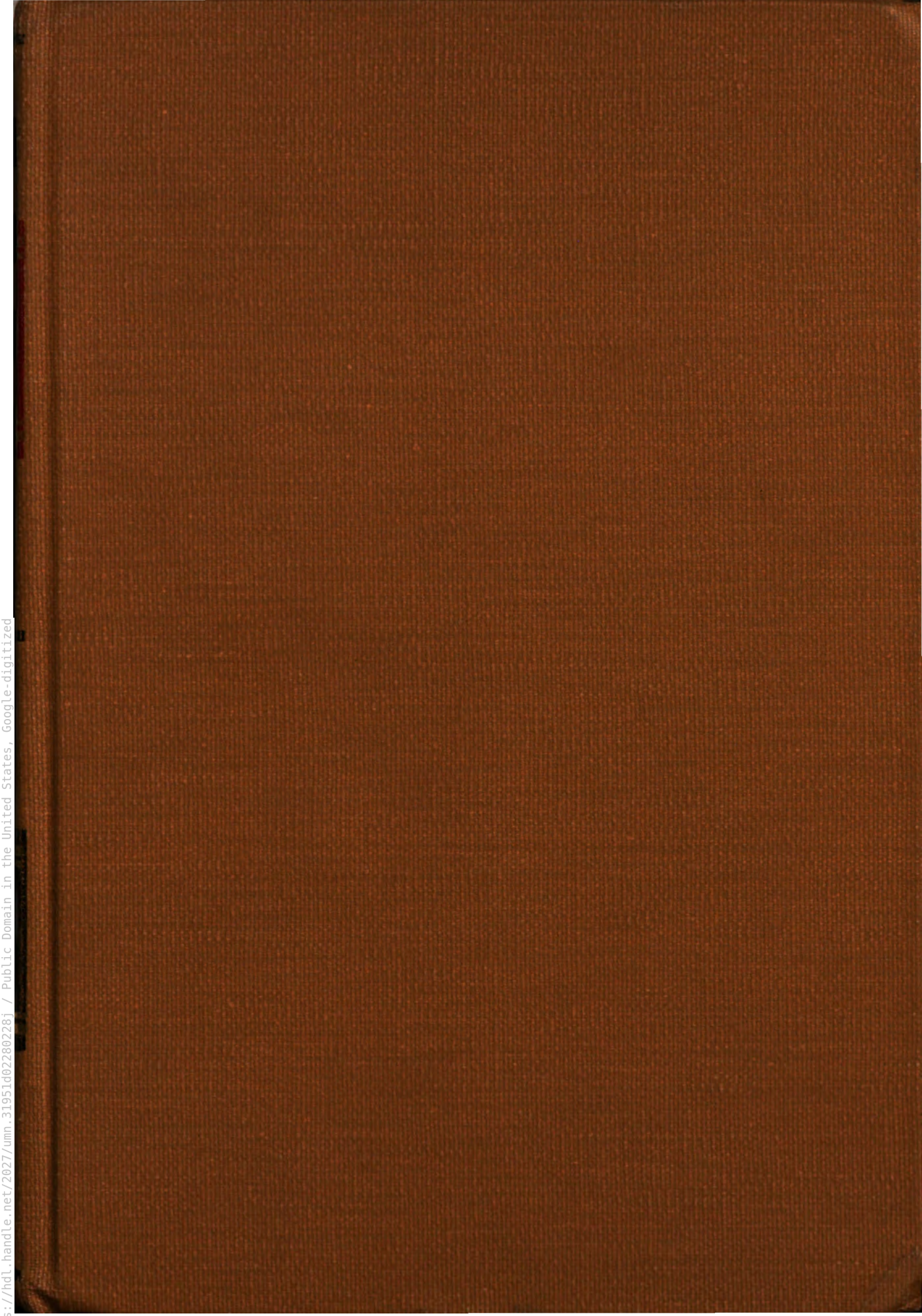
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ACTS

AND JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

Commonwealth of Virginia

EXTRA SESSION 1959

REGULAR SESSION 1960

Department of Purchases
and Supply
Richmond
1960

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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

Commonwealth of Virginia

EXTRA SESSION 1959

which commenced at the State Capitol, Richmond,
on Wednesday, January 28, 1959 and ended
on Friday, April 24, 1959

Commonwealth of Virginia

Department of Purchases and Supply
Richmond
1959

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Acts of the General Assembly

CHAPTER 1

An Act to amend and reenact §§ 22-115.10, 22-115.12, 22-115.13 and 22-115.19 of the Code of Virginia, which were codified from Chapter 58, Acts of the General Assembly of 1956, Extra Session, relating to the payment of tuition grants by counties, cities, and towns, for the furtherance of elementary and secondary education so as to provide that funds shall be provided for such grants, for the education of children in public schools located outside of the county, city or town making such grant, as well as in nonsectarian private schools; to redefine the persons entitled to and the conditions under which such grants shall be paid; and to redefine the method by which the State shall be reimbursed for grants made on behalf of the county, city and town; and to repeal § 22-115.15 of the Code of Virginia which was likewise so codified from said chapter and which provides for the effect of the payment of tuition grants upon the distribution of State school funds to the localities.

[H 2]

Approved January 31, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-115.10, 22-115.12, 22-115.13 and 22-115.19 of the Code of Virginia be amended and reenacted as follows:

§ 22-115.10.—The division superintendent of schools of every county, city, or town if the same be a separate school district approved for operation, * shall, * *in addition to* his estimate of the school budget required by law, *submit an estimate of* the amount of money needed for the payment of grants for the furtherance of the elementary or secondary education, as the case may be, of the children of such county, city or town, in nonsectarian private schools, *and in public schools of other localities and for transportation of children to such schools as provided by § 22-115.14.*

§ 22-115.12.—The educational funds so raised and other available funds shall be expended by the local school board in payment of grants for the furtherance of the elementary or secondary education, as the case may be, of the children of such county, city or town in nonsectarian private schools * *and in public schools of other localities; such payments shall be made to parents, guardians, or other custodians of children whose parents, guardians, or custodians make affidavit, and establish to the satisfaction of the local school board, that there is no adequate public school available for the child to attend, or that the welfare of the child would be best served if he attended a school other than the public school at which he would normally attend, or that the child, his parents, guardian or custodian object upon grounds deemed valid and reasonable by the local school board, to such child's attendance at the public school to which he has been or would normally be assigned.*

§ 22-115.13.—The total amount of each such grant shall be the amount necessary to be expended by the parent, guardian or * *custodian* of the

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child, in payment of the cost of his attendance at a nonsectarian private school, *or in a public school of another locality,* for the current school year; provided, however, that such annual grant, together with any tuition grant received from the State, shall not exceed the total cost of operation per pupil in average daily attendance in the public schools for the locality making such grant as determined for the preceding school year by the Superintendent of Public Instruction.

§ 22-115.19.—For so long as * *the county, city or town fails or refuses to make grants under the provisions of § 22-115.12 to those entitled thereto for any school term or session commencing subsequent to June thirty, nineteen hundred fifty-nine,* the State Board of Education shall authorize and direct the Superintendent of Public Instruction, under rules and regulations of the State Board of Education, to provide for the payment of grants on behalf of such county, city or town * . In such event the Superintendent of Public Instruction shall at the end of each month file with the State Comptroller and with the school board and the governing body of such county, city or town a statement showing all disbursements and expenditures so made for and on behalf of such county, city or town, and the Comptroller shall from time to time as such funds become available deduct from other State funds appropriated by the State, * for distribution to such county, city or town, such amount or amounts as shall be required to reimburse the State for expenditures incurred under the provisions of this article; * provided, that in no event shall any funds to which such county, city or town may be entitled under the provisions of Title 63 of the Code *or for the operation of public schools* be withheld from such county, city or town under the provisions of this article.

2. § 22-115.15 of the Code of Virginia is repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 2

AN ACT to repeal §§ 22-251 as amended, 22-252, 22-253, 22-253.1 as amended, 22-254 through 22-261, 22-262 as amended, and 22-263 through 22-275 of the Code of Virginia, and Chapter 59 of the Acts of the Extra Session of 1956, codified as § 22-253.2, all relating to compulsory school attendance.

[H 5]

Approved January 31, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-251 as amended, 22-252, 22-253, 22-253.1 as amended, 22-254 through 22-261, 22-262 as amended, and 22-263 through 22-275 of the Code of Virginia, and Chapter 59 of the Acts of the Extra Session of 1956, codified as § 22-253.2, are repealed.

2. An emergency exists and this act is in force from its passage.

CHAPTER 3

An Act to amend and reenact § 3 of Chapter 642 of the Acts of Assembly of 1958, approved April 7, 1958, relating to the appropriation of the public revenue for the two years ending, respectively, on the thirtieth day of June, 1959, and the thirtieth day of June, 1960.

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so as to appropriate additional monies from the general fund of the State Treasury for educational purposes which may be expended in furtherance of elementary and secondary education of Virginia students in public and nonsectarian private schools; to provide for standards of eligibility of students making application therefor; to fix the maximum amount to which any student shall be entitled in any school year and to authorize the State Board of Education to promulgate and enforce regulations with respect to the qualification for, and the payment of, tuition grants to students; to provide for equitable adjustment in the distribution of funds appropriated for teachers' salaries to localities where there is a substantial loss in average daily attendance of pupils; and to remove certain conditions upon the expenditure of funds for school purposes.

[H 1]

Approved January 31, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 3 of Chapter 642 of the Acts of Assembly of 1958, approved April 7, 1958, be amended and reenacted as follows:

BIENNIUM 1958-1960

§ 3. For Recurring Maintenance and Operation Items as herein specified.

LEGISLATIVE DEPARTMENT

GENERAL ASSEMBLY OF VIRGINIA

Item 1	First Year	Second Year
For legislating for the State, a sum sufficient, estimated at	$ 99,000	$ 401,669

Out of this appropriation shall be paid the salaries of members, clerks, assistant clerks, officers, pages and employees; the mileage of members, officers and employees, including salaries and mileage of members of legislative committees sitting during recess; and the incidental expenses of the General Assembly.

Out of this appropriation the following salaries shall be paid:

Clerk of the House of Delegates	$12,000
Index Clerk, Deputy and Secretary to the Clerk of House of Delegates	6,000
Proofreader, House of Delegates	4,000
Clerk of the Senate	10,000
Senate Index Clerk, not exceeding	6,000
Secretary to the Clerk of the Senate	6,000

It is further provided that out of this appropriation there is hereby appropriated for payment of expenses of the Lieutenant-Governor, $3,000 each year, to be paid in equal monthly installments of $250 each.

It is further provided that out of this appropriation there is hereby appropriated a sum not to exceed

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	First Year	Second Year
$3,500 for publishing sketches of the Lieutenant-Governors, Presidents pro tempore and Clerks of the Senate of Virginia from 1776 to 1956.		

AUDITING COMMITTEE OF THE GENERAL ASSEMBLY

Item 2		
For auditing public accounts	$ 585	$ 585

DIVISION OF STATUTORY RESEARCH AND DRAFTING

Item 3		
For assistance in preparing legislation	$ 43,400	$ 59,600
Out of this appropriation the following salary shall be paid:		
Director $12,500		

VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Item 4		
For study and advice on legislative matters	$ 26,370	$ 27,570

VIRGINIA CODE COMMISSION

Item 5		
For carrying out the duties prescribed by §§ 9-66 through 9-68, inclusive, of the Code of Virginia, pertaining to the codification and printing of acts of the General Assembly in code form	$ 2,500	$ 17,400

VIRGINIA COMMISSION ON INTERSTATE COOPERATION

Item 6		
For promoting interstate cooperation	$ 10,375	$ 10,375

COMMISSION ON VETERANS' AFFAIRS

Item 7		
For making investigations and recommendations concerning appropriate legislation for the benefit of Virginia war veterans and their dependents	$ 500	$ 500
Total for Legislative Department of the Government	$ 182,730	$ 517,690

JUDICIAL DEPARTMENT

SUPREME COURT OF APPEALS

Item 8		
For adjudication of legal cases	$ 221,812	$ 225,312
Out of this appropriation the following salaries and wages shall be paid:		
Chief Justice $ 18,500		
Associate Justices (6), at $17,500 each 105,000		

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	First Year	Second Year
It is further provided that out of this appropriation shall be paid the traveling and other expenses of the Justices of the Supreme Court of Appeals, one thousand five hundred dollars for each Justice, which sum shall be in lieu of mileage.		
Item 9		
For printing records of litigation, a sum sufficient, estimated at	$ 30,000	$ 30,000
Item 10		
For maintenance of law library	$ 28,092	$ 28,092
Item 11		
For office of executive secretary to the Supreme Court of Appeals, the salaries of such employees to be fixed by the Supreme Court; provided that the salary of such executive secretary shall not exceed the amount allowed by law to a judge of a trial court of record	$ 20,784	$ 21,072
Total for the Supreme Court of Appeals	$ 300,688	$ 304,476

RETIREMENT OF JUSTICES AND JUDGES

Item 12		
For retirement pay of Justices of the Supreme Court of Appeals, and Judges of Circuit, Corporation and Hustings, and City Courts, and expenses of retired Justices and Judges when recalled to active duty, in accordance with law, a sum sufficient, estimated at	$ 44,000	$ 44,000

CIRCUIT COURTS

Item 13		
For adjudication of legal cases	$ 606,116	$ 612,116
Out of this appropriation shall be paid the following salaries only:		
Judges (46), at $12,000 each $552,000		
Additional Judge of the 32nd Circuit $ 6,000 the first year and $12,000 the second year.		
Additional salaries $ 1,000		
Compensation to sheriffs, sergeants and their deputies for attendance upon the circuit courts, as authorized by § 14-85 of the Code of Virginia $ 2,500		

CORPORATION AND HUSTINGS COURTS

Item 14		
For adjudication of legal cases	$ 194,120	$ 194,120
Out of this appropriation shall be paid the following salaries only:		
Judges (16), at $12,000 each $192,000		
Judge of the Corporation Court, city of Winchester 1,120		
Clerk at Richmond 1,000		

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CITY COURTS

	First Year	Second Year
Item 15		
For adjudication of legal cases	$ 91,500	$ 91,500
Out of this appropriation shall be paid the following salaries and wages only:		
Judges (6), at $12,000 each $72,000		
Additional Judge of the Law and Chancery Court, City of Norfolk 12,000		
Compensation to sheriffs, sergeants and their deputies, for attendance upon city courts, as authorized by § 14-85 of the Code of Virginia 7,500		

VIRGINIA STATE BAR

Item 16

For administration of the integrated bar act, to be paid only out of revenues collected and paid into the State treasury in accordance with the provisions of said act and not out of the general fund of the State treasury $37,400 for the first year and $37,900 the second year.

JUDICIAL COUNCIL

Item 17

For the expenses of the Judicial Council authorized by §§ 17-222 to 17-227, inclusive, of the Code of Virginia, and for the expenses of the Judicial Conference $ 5,550 $ 5,550

DEPARTMENT OF LAW

Attorney General

Item 18

For providing legal services for the State $ 182,600 $ 200,600

Out of this appropriation the following salary shall be paid:

Attorney General $17,000

It is provided that all attorneys authorized by this act to be employed by any department or agency, and all attorneys compensated out of any monies appropriated by this session of the General Assembly, shall be appointed by the Attorney General and be in all respects subject to the provisions of §§ 2-85 to 2-93, inclusive, §§ 2-94 to 2-97, inclusive, and § 14-14 of the Code of Virginia.

Item 19

For legal assistance to localities, or in any case or matter where the Attorney General is directed by law or requested by the Governor to intervene, prosecute or defend $ 55,000 $ 45,000

Total for the Attorney General $ 237,600 $ 245,600

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Division of Motion Picture Censorship

	First Year	Second Year
Item 20		
For examining and licensing motion picture films publicly exhibited in Virginia	$ 57,985	$ 58,875

Division of War Veterans' Claims

Item 21		
For preparation and prosecution of claims against the United States Veterans' Administration and other agencies on behalf of war veterans and their dependents and the surviving dependents of deceased war veterans, in accordance with the provisions of § 2-93.1 of the Code of Virginia	$ 233,200	$ 234,200

Commissioners for the Promotion of Uniformity of Legislation in the United States

Item 22		
For promoting uniformity of legislation	$ 1,250	$ 1,250
Total for the Department of Law	$ 530,035	$ 539,925
Total for the Judicial Department	$ 1,772,009	$ 1,791,687

EXECUTIVE DEPARTMENT

GOVERNOR

Item 23		
For executive control of the State	$ 128,327	$ 129,713
Out of this appropriation the following salaries shall be paid:		
Governor $20,000		
Secretary of the Commonwealth and ex officio secretary to the Governor 10,000		
Item 24		
For a discretionary fund, to be expended by the Governor for such objects or purposes, including reorganization studies of State agencies, as the Governor, in his discretion, may deem proper to meet any contingencies or conditions which may arise from time to time	$ 380,000	$ 130,000
It is provided that out of this appropriation the Governor may expend not exceeding $200,000 for drought relief with Federal Aid.		
It is further provided that the Governor may, in his discretion, transfer to the Virginia State Ports Authority from this appropriation such sums not exceeding $50,000 each year of the current biennium as he deems necessary to aid the Authority in the development of firm proposals for the acquisition and construction of port terminals and facilities by the Authority for presentation to the General Assembly.		
Item 25		
To be expended by the Governor pursuant to the provisions of § 15-891.3 of the Code of Virginia for regional planning commissions heretofore established	$ 20,000	$ 20,000
Item 26		
For payment of Virginia's quota of the expenses of administrative services and operations of the Board of Control for Southern Regional Education	$ 33,000	$ 33,000

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	First Year	Second Year
Item 27		
For operation and maintenance of the Governor's Mansion..	$ 30,595	$ 27,170
Item 28		
For carrying out the purposes of, and subject to the conditions stated in, Chapter 22, Acts of Assembly of 1950, which authorizes the Governor to take certain steps in event of a coal production emergency, there is hereby appropriated from the general fund of the State treasury a sum sufficient.		
Total for the Governor.....	$ 591,922	$ 339,883

State Board of Elections

Item 29		
For supervising and coordinating the conduct of elections..	$ 48,150	$ 39,050
Out of this appropriation shall be paid the following salary:		
Secretary $9,500		

STATE AND LOCAL DEFENSE

Item 30		
For promotion and coordination of State and local civil defense activities, a sum sufficient estimated at.....	$ 87,300	$ 88,050
It is hereby provided that this appropriation shall be expended on warrants of the Comptroller, issued upon vouchers signed by the Governor, or by such other person or persons as may be designated by him for the purpose.		

DIVISION OF THE BUDGET

Item 31		
For preparation and administration of the executive budget	$ 48,500	$ 83,500
Out of this appropriation the following salary shall be paid:		
Director $13,500		
Item 32		
For institutional engineering	$ 194,795	$ 198,460
Item 33		
For records management	$ 49,375	$ 49,370
It is provided that the special revenues collected for records management services shall be paid into the general fund of the State treasury.		
Item 34		
For maintenance and operation of grounds and buildings..	$ 766,015	$ 772,265
It is hereby provided that no part of this appropriation for maintenance and operation of grounds and buildings shall be used to furnish floor coverings, electric fans or other office equipment to any State officer, department, board, institution or other State agency.		
Item 35		
For operation of a central telephone system, to be paid solely from the pro rata share of the costs for operating such system charged to the State departments and agencies in Richmond served by the system, a sum sufficient.		
Total for the Division of the Budget.....	$ 1,058,685	$ 1,103,595

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DIVISION OF PERSONNEL

Item 36	First Year	Second Year
For administration of the Virginia Personnel Act.....	$ 110,440	$ 113,740

Out of this appropriation the following salary shall be paid:

Director $11,500

Item 37

For administration of the Merit System Council, to be paid only out of funds to be transferred to the Merit System Council by order of the Governor from the appropriations herein made to the Unemployment Compensation Commission, the Department of Welfare and Institutions, the State Board of Health, the State Hospital Board, and the Virginia Commission for the Visually Handicapped .....$37,690 the first year, and $38,450 the second year.

The Governor is hereby authorized to transfer to the Merit System Council from the respective appropriations herein made to the Unemployment Compensation Commission, the Department of Welfare and Institutions, the State Board of Health, the State Hospital Board, and the Virginia Commission for the Visually Handicapped, a sum equal to the value of the services rendered by the Merit System Council for the respective agencies.

It is hereby provided that this appropriation shall be expended on warrants of the Comptroller, issued upon vouchers signed by the Director of the Division of Personnel or by such other person or persons as may be designated by the Governor for that purpose.

COMMISSION ON CONSTITUTIONAL GOVERNMENT

Item 37-A

For the development and promulgation of information concerning the dual system of government, Federal and State, established under the Constitution of the United States and those of the several states, and for such related duties as may be prescribed by law.....	$ 50,000	$ 50,000

VIRGINIA SUPPLEMENTAL RETIREMENT SYSTEM

As used in this Act, the term "Social Security" has reference to the Federal Insurance Contributions Act with respect to contributions and to the Federal Old-Age and Survivors Insurance System with respect to employee benefits.

Item 38

For expenses of administration of the Board of Trustees of the Virginia Supplemental Retirement System.....	$ 99,025	$ 98,975

Item 39

For the State employer's Social Security payment, on behalf of State employees excepting those paid from special funds, to the Contribution Fund, pursuant to Chapter 3.1, Title 51, Code of Virginia, a sum sufficient, estimated at	$ 1,320,210	$ 1,484,940

Item 40

For reimbursement to each local school board of the actual employer's Social Security payments made by it, on behalf of teachers, to the Contribution Fund pursuant to Chapter 3.1, Title 51, Code of Virginia, a sum sufficient, estimated at.....	$ 2,787,075	$ 3,282,320

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Item 41	First Year	Second Year
For reimbursement to each political subdivision the pro rata share of the actual employer's Social Security payments made by it, on behalf of local special employees, to the Contribution Fund, pursuant to Chapter 3.1, Title 51, Code of Virginia; such pro rata share shall bear the same relationship to the total employer's payment for such special employees as the State's share of the special employee salaries, or the State's share of any excess fees from the special employee's office, bears or would bear to the total of such salaries or excess fees, respectively, a sum sufficient, estimated at	$ 114,615	$ 128,370

Item 42

In the event any political subdivision required pursuant to Chapter 3.1, Title 51, Code of Virginia, and by any agreement pursuant to the cited act, to make payments to the Contribution Fund, fails to make such payments as are duly prescribed, either from its local employees or on behalf of its employer's contribution, the Board of Trustees of the Virginia Supplemental Retirement System shall inform the Comptroller of the delinquent amount and political subdivision. The Comptroller shall forthwith transfer such amount to the Contribution Fund from any nonearmarked monies otherwise distributable to such subdivision by any department or agency of the State; provided that if the Comptroller reports to the Board of Trustees that, by law, no such amounts are distributable to a specified political subdivision, the Board shall require such subdivision to post bond or securities in an amount sufficient to protect the State against loss from failure by such subdivision to pay any amounts required under the act providing Social Security coverage.

Item 43		
To provide for the payment of increased retirement compensation to certain retired State employees and beneficiaries thereof, in accordance with the provisions of §§ 51-111.69 and 51-111.70, Code of Virginia, there is hereby appropriated out of the general fund of the treasury to Trust Fund B, established by § 51-111.68, Code of Virginia	$ 18,125	$ 17,645
Item 44		
To provide for the payment of increased retirement compensation to certain retired teachers and beneficiaries thereof, in accordance with the provisions of §§ 51-111.69 and 51-111.70, Code of Virginia, there is hereby appropriated out of the general fund of the treasury to Trust Fund B, established by § 51-111.68, Code of Virginia	$ 334,525	$ 327,215
Item 45		
For the State contribution, on behalf of State employees excepting those paid from special funds, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia	$ 1,443,550	$ 1,587,925
Item 46		
For the State contribution, on behalf of teachers, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia	$ 4,418,885	$ 5,007,270

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	First Year	Second Year
Item 47		
For the State contribution, on behalf of teachers, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia, to be paid from the principal of the literary fund in excess of $10,000,000, the sum of.....$1,465,000 each year.		
Item 48		
On the first day of July in each year of the current biennium, the Comptroller shall transfer, from each special fund in the State treasury out of which any State employees are paid, to the retirement allowance account provided in Chapter 3.2, Title 51, Code of Virginia, and to the Contribution Fund as provided in Chapter 3.1, Title 51, Code of Virginia, and to the retirement allowance account as provided for State Police Officers by Chapter 5, Title 51, Code of Virginia, such amount as shall be estimated to have accrued and to accrue on account of salaries and wages for the quarter preceding and the three quarters following. At the close of each fiscal year the Comptroller shall adjust such transfers, if necessary, for each special fund in accord with actual accruals for retirement and Social Security purposes, during the four quarters concerned. The estimate of accruals and the subsequent report of actual accruals shall be supplied by the Board of Trustees of the Virginia Supplemental Retirement System to the Comptroller and shall be used by him in making the transfers required by this item.		
Item 49		
For payment to the Secretary of the Treasury of the United States to the credit of such account as may be designated in accordance with the agreement entered into under Chapter 3.1, Title 51, Code of Virginia, for the purposes stated in the cited act, and in such amounts as may be specified pursuant to the cited agreement, there is hereby appropriated from the Contribution Fund established by the cited act, a sum sufficient.		
Total for Virginia Supplemental Retirement System	$10,536,010	$11,934,660

ART COMMISSION

Item 50		
For appraising works of art and structures.....	$ 1,000	$ 1,000

AUDITOR OF PUBLIC ACCOUNTS

Item 51		
For auditing the accounts of the State and local government units	$ 502,800	$ 508,850
Out of this appropriation the following salary shall be paid:		
Auditor of Public Accounts.....$11,000 the first year, and $12,000 the second year.		
Effective March 1, 1960, the annual salary of the Auditor of Public Accounts shall be $12,500.		
The appropriation in this item of a specific amount for the examination of the accounts of local governmental units shall not be construed as prohibiting the examination or audit, by the Auditor of Public Accounts, of the books or records of any county, city or		

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	First Year	Second Year
other political subdivision, or any officer or agency thereof, of this State, the cost of which audit or examination, is required by existing laws to be borne by the said county, city or other political subdivision.		

STATE COMMISSION ON LOCAL DEBT

Item 52

For aiding localities in the flotation of new bonded debt....$	11,190	$ 11,190

DEPARTMENT OF THE TREASURY

Item 53

For the custody and disbursement of State money.....$	123,355	$ 127,345
Out of this appropriation the following salary shall be paid:		
State Treasurer $12,500		
It is provided that out of this appropriation shall be paid the premiums on the official bonds of the State Treasurer and employees of the Department of the Treasury, and the premiums on insurance policies on vault in the Department of the Treasury and on messenger insurance policy.		

TREASURY BOARD

Item 54

For payment of interest on the State debt.....$	350,121	$ 350,121

Item 55

For providing sinking fund for redemption of Riddleberger bonds, Century bonds and general fund bonded indebtedness .....$	514,879	$ 514,879
Total for Treasury Board.....$	865,000	$ 865,000

DEPARTMENT OF ACCOUNTS

Item 56

For auditing and recording the financial transactions of the State .....$	348,500	$ 353,500
Out of this appropriation the following salary shall be paid:		
Comptroller $12,500		
Out of this appropriation shall be paid the costs of the official bonds of the Comptroller; and the costs of the surety bonds of the employees in the Department of Accounts, in accordance with the provisions of §§ 2-7 and 2-8 of the Code of Virginia.		

Item 57

For collecting old claims, as authorized by § 2-270 of the Code of Virginia, and for adjustment of State litigation, a sum sufficient, estimated at.....$	2,500	$ 2,500
Out of this appropriation shall be paid the costs of civil prosecution in civil cases, expenses and commissions in collecting old debts, etc., in accordance with § 8-780 of the Code of Virginia.		

Item 58

For support of lunatics in jails and in charge of private persons, a sum sufficient, estimated at.....$	7,000	$ 7,000

Item 59

For payment of pensions, funeral expenses, relief of Confederate women and administrative expenses related thereto .....$	350,000	$ 344,000

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Out of this appropriation each pensioner in the several classes now on the pension roster, or hereafter placed on the pension roster, under the regular pension act (as continued in effect by § 51-1 of the Code of Virginia) approved March 26, 1928, Chapter 465, as amended March 24, 1930, and March 30, 1934, and subsequent acts appropriating the public revenue, shall be paid as follows: to Confederate veterans, $1,200 a year; to each widow of a Confederate soldier, sailor or marine, $600 a year; and for the funeral expenses of each deceased pensioner, to be paid to the personal representative of such deceased pensioner or, without qualification of a personal representative, to the undertaker, upon submission to the Comptroller of certificates and affidavits required by law, $100; provided, however, that the said allowance for the funeral expenses of each Confederate veteran who was on the pension roster at the time of his death shall be $1,000; provided, further, that under the provisions of this act any person who actually accompanied a soldier in the service and remained faithful and loyal as the body servant of such soldier, or who served as cook, hostler or teamster, or who worked on breastworks under any command of the army and thereby rendered service to the Confederacy, shall be entitled to receive an annual pension of $240, proof of service to be prescribed by the Comptroller; provided that to each widow of a Confederate soldier as above set out who is now or who may become an inmate of an institution receiving support from the State and who was married prior to October 1, 1880, and has not remarried, shall be paid the sum of $25.00 per month; and to each such widow who was married on or after October 1, 1880, and prior to January 1, 1921, and who has not remarried; and to each such widow who married on or after January 1, 1921, who is over 75 years of age and who has not remarried, shall be paid the sum of $20.00 per month.

Any unexpended portion of this appropriation shall revert to the general fund of the State treasury, and no part thereof shall be prorated among pensioners.

It is further provided that out of the appropriation for public printing, the Director of the Department of Purchases and Supply shall supply all forms and have done and pay for all printing, binding, ruling, etc., required by the Comptroller in pension matters and in connection with the payment of pensions. The Comptroller shall pay monthly at such dates as he may prescribe the pensions authorized by this act.

It is further provided that out of this appropriation of $350,000 for the first year and $344,000 for the second year, there shall be expended for relief of needy Confederate women of Virginia, including daughters of Confederate soldiers who are now widows, born not later than December 31, 1889, who are not upon the State pension roster, in accordance with the provisions of the act approved March 10, 1914 (Acts of Assembly, 1914, Chapter 56, page 81); provided that each such needy Confederate woman shall receive $90.00 per year, not exceeding $145,000 each year.

It is further provided that out of this appropriation, there shall be expended for care of needy Con-

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	First Year	Second Year

federate women who are inmates of the Home for Needy Confederate Women at Richmond, in accordance with the provisions of the act approved March 4, 1914 (Acts of Assembly, 1914, Chapter 40, page 60) .....$71,000 each year.

It is provided, however, that no part of this appropriation shall be available for expenditure until satisfactory evidence of compliance with the following conditions has been presented the Auditor of Public Accounts:

(1) Copies of all current and future applications for admission to the Home have been or will be filed with the Auditor of Public Accounts. (2) Proof that admissions to the Home are being made as far as practicable on the basis of first come first served, provided that where the governing board of the Home deviates from the policy of first come first served the reasons therefor shall be filed with the Auditor of Public Accounts, it being understood that such board shall have the right to deviate from such policy in cases which are considered by the board to be of dire necessity or distress. (3) Upon the admission of any guest to the Home the Auditor of Public Accounts shall be informed thereof and also as to the length of time which the application has been pending; and whether it has been given priority over other applications. (4) Copies of the rules of admission have been filed with the Auditor of Public Accounts. (5) No part of this appropriation shall be available directly or indirectly for the care or maintenance of any person who is not a member of the class for which the Home was originally established.

The governing body of the Home may refuse to admit anyone sick of an incurable disease or who is bedridden or who is an addict to narcotics or to the use of intoxicating liquors or who is mentally affected to the extent of materially affecting the comfort of the other inmates.

Item 60

For assessing property for taxation and collecting and distributing records of assessments, a sum sufficient, estimated as ..... $ 1,669,750 $ 1,669,750

Out of this appropriation shall be paid compensation and expenses of office of city and county commissioners of the revenue, as authorized by § 14-77 of the Code of Virginia, after certification by the chairman of the Compensation Board to the State Comptroller of the amounts of the salaries and expense allowances of such officers fixed and ascertained by said board, and commissions to examiners of records, the postal and express charges on land and property, books, etc.

Item 61

For collecting State taxes, a sum sufficient, estimated at.... $ 1,751,000 $ 1,751,000

Out of this appropriation shall be paid to county and city treasurers the compensation and expenses of office authorized by § 14-77 of the Code of Virginia, but only after certification by the chairman of the Compensation Board to the State Comptroller of the amounts of the salaries, if any, and expense allow-

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	First Year	Second Year
ances of such officers, fixed and ascertained by said board; and to county and city clerks of courts, the commissions to which they are entitled by law for the collection of State taxes.		
Item 62		
For premiums on official bonds of county and city treasurers, as required by § 15-480 of the Code of Virginia, a sum sufficient, estimated at	$ 20,000	$ 10,000
Item 63		
For reissue of old warrants, previously charged off, a sum sufficient, estimated at	$ 20,000	$ 20,000
Item 64		
For per diem and expenses of presidential electors		$ 500
Item 65		
For criminal charges, a sum sufficient, estimated at	$ 5,600,000	$ 5,600,000

Out of this appropriation shall be paid the costs incident to the arrest and prosecution of persons charged with the violation of State laws, including salaries of attorneys for the Commonwealth, as provided by § 14-77 of the Code of Virginia, expenses of juries, witnesses, etc., but where a witness attends in two or more cases on the same day, only one fee shall be allowed such witness; the transportation costs of children committed to the State Board of Welfare and Institutions, and compensation at the rate of nine dollars a day to each agent of the State Board of Welfare and Institutions for each day such agent is engaged in transporting children committed to the Board to homes, institutions, training schools or other locations; the necessary traveling expenses incurred by these agents in carrying out their duties as agents of the Board; and the transportation cost of the State Prison Farm for Defective Misdemeanants, as provided by law, cost of maintenance in local jails of persons charged with violation of State laws, including food, clothing, medicine, medical attention, guarding, etc.; provided, however, that all jail physicians be paid at the rate provided by law, but not more than five hundred dollars per calendar year shall be paid the jail physician or physicians for any city or county, the population of which is less than 100,000, and not more than one thousand dollars per calendar year shall be paid the jail physician or physicians of any city or county, the population of which is 100,000 or over, and coroners' fees, etc., said compensation for jail physician to be paid at the end of the calendar year; provided, however, that in case of death or resignation his compensation shall be prorated on the basis of time of service bears to the full calendar year. Provided, no deduction or cut shall be made in reimbursing any city sergeant or sheriff the actual cost of supplies purchased by him under authority of law, and provided, further, that no salaries, fees or expenses shall be paid to any officers out of this appropriation in cases where the Compensation Board is required to fix and ascertain same or any part thereof, until after certification by the chairman of the Compensation Board to the State Comptroller of the amounts of the salaries, if any, and expense allowances of such officers, fixed and ascertained by said board.

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	First Year	Second Year

Out of this appropriation shall be paid the State's share of the salaries and expenses of sheriffs and sergeants and their deputies in accordance with law.

It is further provided that out of this appropriation shall be paid the expenses necessarily incurred on official business by judges of circuit, city, and corporation and hustings courts, for postage, stationery, and clerk hire, not exceeding $300 a year for each judge.

Out of this appropriation shall be paid not exceeding $190,000 the first year and $200,000 the second year of the biennium for reimbursing counties and cities under the provisions of § 16.1-150 of the Code of Virginia; provided that no part of this appropriation shall be paid to any county or city which expends in any year following the fiscal year ending June 30, 1956, less than it spent in such fiscal year for the purposes for which reimbursement is provided and authorized.

Out of this appropriation shall be paid the State's share of expenditures made by a county for secretarial and stenographic assistance to probation officers as provided for by § 16.1-206.1 of the Code of Virginia.

Out of this appropriation shall be paid the State's share of the cost of construction, maintenance and operation of detention homes charged on counties and cities and the cost of maintenance of children in other homes as provided for by § 16.1-201 and § 16.1-202 of the Code of Virginia.

Out of this appropriation shall be paid the actual expenses of the committee of circuit court judges, as provided by § 14-50 of the Code of Virginia.

It is further provided that there is hereby imposed on the Auditor of Public Accounts the additional duty of acting as secretary to said committee of Judges fixing salaries of trial justices and trial justice clerks. As additional compensation for performing said additional duties the Auditor of Public Accounts shall be paid annually out of this appropriation the sum of one thousand five hundred dollars the first year and one thousand dollars the second year.

It is provided, however, that no part of this appropriation shall be used for the payment of criminal charges incident to prisoners employed on the State Convict Road Force or at the State Industrial Farm for Women, or at the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants.

Item 66

For apportionment to counties which have withdrawn from the provisions of Article 4, as amended, of Chapter 1 of Title 33 of the Code of Virginia, of the proceeds of the motor vehicle fuel tax to which such counties are entitled by law, a sum sufficient.

Item 67

For payment to counties and cities of their distributive share of the proceeds of the tax levied upon certain alcoholic beverages by § 4-24 of the Code of Virginia, a sum sufficient.

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Item 68	First Year	Second Year
There is hereby appropriated to the cities, incorporated towns, and counties of the State two-thirds of the net profits derived under the provisions of § 4-22 of the Code of Virginia, in excess of seven hundred fifty thousand dollars, each city, incorporated town, and county to receive an amount apportioned on the basis of their respective populations according to the last preceding United States census. It is intended that this item shall provide for the payment to cities, incorporated towns, and counties of only so much of the amounts they would normally receive under the provision of § 4-22 of the Code of Virginia, as is embraced in the distribution of two-thirds of the said net profits, in excess of seven hundred fifty thousand dollars, but that, by reason of other appropriations made out of the general fund of the treasury for the benefit of said cities, incorporated towns, and counties, there shall be no distribution of any of said net profits except two-thirds thereof, as provided in § 4-22 of the Code of Virginia. In order to be able to ascertain and determine properly the actual amount of said profits the Comptroller may, from time to time, credit on his books to the said board the value of merchandise on hand in the warehouses and stores of the board at the actual cost thereof to the said board.		
Total for Department of Accounts	$ 9,768,750	$ 9,758,250

DEPARTMENT OF PURCHASES AND SUPPLY

Item 69		
For purchasing commodities and supervising public printing for the State	$ 260,600	$ 323,600
Out of this appropriation the following salary shall be paid:		
Director, not exceeding $12,500		
Out of this appropriation shall be paid only the cost of such public printing required for the work of departments, institutions and agencies of the State government as is authorized by law to be paid out of the public printing fund, including the cost of printing and binding the Virginia Reports $30,250 the first year and $115,500 the second year.		
It is hereby provided that no part of this appropriation for the Department of Purchases and Supply shall be expended in furnishing stationery or other office supplies to any State officer, department, board, institution or other State agency.		

Compensation Board

Item 70		
For regulating compensation of local officers, in accordance with law	$ 49,125	$ 42,725
Out of this appropriation the following salary may be paid:		
Chairman, not exceeding $5,000		
It is provided, however, that for such time, if any, as the Chairman of the Compensation Board receives additional pay for other services rendered the State, his salary as such Chairman shall not exceed $3,505.		

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DEPARTMENT OF TAXATION

Item 71	First Year	Second Year
For administration of the tax laws, the Virginia Unfair Sales Act, and aiding in general assessment or reassessment of real estate	$ 1,165,905	$ 1,200,005

Out of this appropriation shall be paid the following salary:

State Tax Commissioner.....$17,000

DIVISION OF MOTOR VEHICLES

Item 72

For administration of motor vehicle license, registration and fuel tax laws.....$1,610,347
the first year, and $1,652,019 the second year.

Out of this appropriation the following salary shall be paid:

Commissioner $12,500

Item 73

For furnishing localities with lists of all registered automotive equipment within their respective jurisdictions $23,685
the first year and $24,185 the second year.

Item 74

For refund of taxes on motor vehicle fuels in accordance with law, a sum sufficient.

Item 75

For licensing operators of motor vehicles.....$406,641
the first year, and $420,501 the second year.

Item 76

For administering motor vehicle safety responsibility act $703,635
the first year, and $776,921 the second year.

Item 77

For receiving applications for the registration of titles to motor vehicles and for issuance of licenses in accordance with law, at branch offices, a sum sufficient, estimated at $527,010
the first year, and $534,113 the second year.

Item 78

For maintenance and operation of building occupied by Division of Motor Vehicles.....$95,327
the first year, and $100,398 the second year.

Item 79

For regulating the distribution and sales of motor vehicles $72,925
the first year, and $73,325 the second year.

Item 80

For administration of the special fuels tax act.....$50,825
the first year, and $52,450 the second year.

Item 81

For examining applicants for operators' and chauffeurs' licenses $355,249
the first year, and $369,346 the second year.

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Item 82 **First Year** **Second Year**

All appropriations herein made to the Division of Motor Vehicles shall be paid only out of revenues collected and paid into the State treasury by the Division of Motor Vehicles and credited to the State highway maintenance and construction fund, and none of the appropriations made to the said division shall be paid out of the general fund of the State treasury, provided further, however, excepting Item 74 that no expenditures out of these appropriations shall be paid out of the revenue derived from the taxes levied under §§ 58-628, 58-711, and 58-744 of the Code of Virginia, as amended.

Item 83

All revenue received by the Division of Motor Vehicles for any purpose whatsoever or in accordance with any law or regulation administered by said division shall be paid directly and promptly into the State treasury to the credit of the State highway maintenance and construction fund. Provided, however, that this item shall not apply to any money or revenue collected for the account of the Uninsured Motorist Fund.

Total for the Division of Motor Vehicles, from special funds.....$3,845,644 the first year, and $4,003,258 the second year.

DEPARTMENT OF STATE POLICE

Item 84

For State police patrol.....$5,676,400 the first year, and $5,940,700 the second year.

Out of this appropriation the following salary shall be paid:

Superintendent of State Police.....$12,500

It is further provided that out of this appropriation there shall be paid the cost of the required valuation report by the actuary and other necessary administrative expense required for the retirement of State Police officers, not to exceed in either year of the biennium the sum of $3,000.

Item 85

For promoting highway safety.....$277,224 the first year, and $227,298 the second year.

Item 86

For operation of State Police Radio System.....$530,216 the first year, and $546,136 the second year.

Item 87

For operation and maintenance of headquarters buildings and grounds .....$106,600 the first year, and $104,700 the second year.

Item 88

For operation of State Police Dining Room.....$33,660 the first year, and $36,250 the second year.

Item 89

In the event the Superintendent of State Police is requested, as provided by law, to police a turnpike

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	First Year	Second Year

project the Superintendent is authorized to expend such additional amounts from the State highway maintenance and construction fund for such purpose as the turnpike authority making the request shall agree to reimburse and the Governor shall approve.

Item 90

All appropriations herein made to the Department of State Police shall be paid only out of revenues collected and paid into the State treasury by the Division of Motor Vehicles or by the Department of State Police and credited to the State highway maintenance and construction fund, and none of the appropriations made to the said division shall be paid out of the general fund of the State treasury, provided further, however, that no expenditures out of this appropriation shall be paid out of the revenue derived from the taxes levied under §§ 58-628, 58-711, and 58-744 of the Code of Virginia as amended.

Item 91

All revenue received by the Department of State Police for any purpose whatsoever or in accordance with any law or regulation administered by said department shall be paid directly and promptly into the State treasury to the credit of the State highway maintenance and construction fund.

Total for the Department of State Police from special funds .....$6,624,100 the first year, and $6,855,084 the second year.

DEPARTMENT OF MILITARY AFFAIRS

Item 92

For providing military protection for the State, to be expended in accordance with § 44-14 of the Code of Virginia .....$ 297,970 $ 299,000

Out of this appropriation the following salary shall be paid:

Adjutant General $11,000

Item 93

For the military contingent fund, out of which to pay the military forces of the Commonwealth when aiding the civil authorities, as provided by § 44-82 of the Code of Virginia, a sum sufficient.

In the event units of the Virginia National Guard shall be in Federal service, the sum allocated herein for their support shall not be used for any different purpose, except, with the prior written approval of the Governor, to provide for the Virginia State Guard.

DEPARTMENT OF CORPORATIONS

State Corporation Commission

Item 94

For expenses of administration of the State Corporation Commission and expenses of retired Commissioners recalled to active duty, in accordance with law.....$ 169,800 $ 167,800

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	First Year	Second Year
Out of this appropriation the following salaries shall be paid: Chairman, State Corporation Commission....$16,500 Other members of the State Corporation Commission (2), at $16,000 each.....$32,000		
Item 95		
For assessment and taxation of public service corporations	$ 35,325	$ 35,535
Item 96		
For rate regulation	$ 19,135	$ 19,385
Item 97		
For providing legal services for the State	$ 21,910	$ 22,410
Item 98		
For regulating sale of securities, in accordance with the provisions of §§ 13.1-501 to 13.1-527 (Chapter 5 of Title 13.1 of the Code of Virginia)	$ 20,110	$ 19,910
With the prior written approval of the Governor, this appropriation may be increased, provided, however, that the total appropriations shall not exceed the sum collected from filing and license fees under the sections of the Code pertaining to this activity.		
Item 99		
For preparation and prosecution of rate cases	$ 1,000	$ 1,000
Item 100		
For payment of court costs, a sum sufficient, estimated at	$ 100	$ 100
Item 101		
For making appraisals, valuations, investigations and inspections of the properties and services of certain public service companies, and for the supervision and administration of the laws relative to public service companies, in accordance with §§ 58-660 to 58-671, inclusive, of the Code of Virginia, to be paid only out of the proceeds of the taxes levied and collected under Article 15 of Chapter 12 of Title 58 of the Code of Virginia, and not out of the general fund of the State treasury, the amount derived from the aforesaid taxes, and unexpended balances from said tax revenue, estimated at.....$290,450 the first year, and $293,290 the second year.		
Item 102		
For the promotion of aviation in the public interest, to be paid only out of the tax on gasoline or fuel used in flights within the boundary of the State; and fees from the licensing or registering of airmen, aircraft, and airports, and from all heretofore unexpended balances derived from any of the above sources, and not out of the general fund of the State treasury .....$203,200 the first year, and $194,750 the second year.		
Item 103		
For regulating and taxing motor vehicle carriers, to be paid only out of fees collected from them by the		

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	First Year	Second Year
State Corporation Commission and taxes on them collected under acts administered by the State Corporation Commission and paid into the State treasury to the credit of the highway maintenance and construction fund, the amount of said revenues, estimated at .....$429,600 the first year, and $433,500 the second year.		
Item 104		
For examination and supervision of banks, small loan companies, credit unions, and building and loan associations to be paid only out of the fees, licenses, and taxes levied and collected for the examination and supervision of the said banks, small loan companies, credit unions, and building and loan associations and paid into the State treasury in accordance with law, and out of unexpended balances in said fees, licenses, and taxes heretofore paid into the State treasury, as aforesaid; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury not exceeding.....$274,175 the first year, and $278,075 the second year. Out of this appropriation the following salary shall be paid: Commissioner of Banking, not exceeding.....$11,500		
Item 105		
For supervision and inspection of concerns conducting an insurance business in Virginia, as required by law, and for administration of the Virginia Fire Hazards Law, to be paid out of the fees, licenses and taxes levied and collected for the payment of the expenses incurred in supervising and inspecting the aforesaid concerns, and paid into the State treasury in accordance with law, and out of unexpended balances in said fees, licenses and taxes heretofore paid into the State treasury as aforesaid; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury, not exceeding .....$412,400 the first year, and $418,700 the second year. Out of this appropriation the following salary shall be paid: Commissioner of Insurance, not exceeding....$11,500 This sum includes any compensation for services as a zone manager of the National Association of Insurance Commissioners.		
Total for the Department of Corporations.....	$ 267,380	$ 266,140

DEPARTMENT OF LABOR AND INDUSTRY

Item 106		
For expenses of administration of the Department of Labor and Industry	$ 38,885	$ 37,920
Out of this appropriation the following salary shall be paid: Commissioner $11,500		
Item 107		
For research and statistics.....	$ 52,850	$ 52,855

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	First Year	Second Year
Item 108		
For factory, institution and mercantile inspections	$ 110,200	$ 109,950
Item 109		
For mines and quarries inspection	$ 94,550	$ 96,700
Item 110		
For supervising the industrial employment of women and children	$ 69,405	$ 71,505
Item 111		
For apprenticeship training	$ 94,700	$ 94,850
Total for the Department of Labor and Industry	$ 460,590	$ 463,780

DEPARTMENT OF WORKMEN'S COMPENSATION

Industrial Commission of Virginia

Items 112-113

For administration of the Virginia Workmen's Compensation Act, to be paid out of the receipts from taxes levied and collected and paid into the State treasury for the administration of the Workmen's Compensation Act in accordance with law, and expenses of retired Commissioners recalled to active duty, in accordance with law; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, not exceeding.....$360,710 the first year, and $356,480 the second year.

Out of this appropriation the following salaries shall be paid:

Commissioners (3), at $13,000 each.....$39,000

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

Item 114

For expenses of administration of the Virginia Unemployment Compensation Act, exclusive of the payment of unemployment compensation benefits, a sum sufficient, estimated at.....$2,749,900 the first year, and $2,800,100 the second year.

It is hereby provided that out of this appropriation the following salary shall be paid:

Commissioner $12,500

Item 115

For administration of a merit system program for the Unemployment Compensation Commission of Virginia, a sum sufficient, estimated at .....$5,500 each year.

Item 116

It is hereby provided that the aforesaid appropriations for administration of the Virginia Unemployment Compensation Act and administration of a merit system program shall be paid only out of the unemployment compensation administration fund established by § 60-21 and Article 2 of Chapter 8 of Title 60 of the Code of Virginia, and not out of the general fund of the State treasury. All monies which are deposited or paid into this fund are hereby appropriated and made available to the Commission.

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Item 117 **First Year** **Second Year**

For payment of unemployment benefits as authorized by the Virginia Unemployment Compensation Act, a sum sufficient, estimated at.....$8,200,000 each year.

It is hereby provided that this appropriation for payment of unemployment benefits shall be paid only out of the monies requisitioned from the State of Virginia's account in the unemployment compensation trust fund in the treasury of the United States, and paid into the State treasury to the credit of the unemployment compensation fund in accordance with the provisions of §§ 60-90 through 60-94, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury.

Item 118

For special unemployment compensation expenses to be paid only out of the Special Unemployment Compensation Administration Fund continued in effect by § 60-95 of the Code of Virginia, a sum sufficient, not to exceed .....$10,000 each year.

Item 119

For refund of contributions and interest thereon in accordance with the provisions of § 60-94 of the Code of Virginia, to be paid only out of the clearing account created by § 60-90 of the Code of Virginia, a sum sufficient.

Item 120

For payment to the Secretary of the Treasury of the United States to the credit of the unemployment compensation trust fund established by the Social Security Act, to be held for the State of Virginia upon the terms and conditions provided in the said Social Security Act, there is hereby appropriated the amount remaining in the clearing account created by § 60-90 of the Code of Virginia after deducting from the amounts paid into the said clearing account the refunds payable therefrom pursuant to § 60-94 of the Code of Virginia.

Total for the Unemployment Compensation Commission of Virginia from special funds..$10,965,400 the first year, and $11,015,600 the second year.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Item 121

For administration of the functions, powers and duties assigned to the Virginia Alcoholic Beverage Control Board by the Alcoholic Beverage Control Act, to be paid only out of the monies collected and paid into the State treasury by the said board, as provided by § 4-23 of the Code of Virginia, and not out of the general fund of the State treasury, provided, however, with approval of the Governor, loans for the payment of such expenditures may be made from the general fund and from any other funds in the State treasury upon such terms as the Governor may approve, a sum sufficient, estimated at .....$91,409,310 the first year, and $91,517,520 the second year.

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It is hereby provided that out of this appropriation the following salaries shall be paid: Chairman of the board.....$13,000 Vice-Chairman .....$13,000 Member of board .....$13,000 Salaries for other personal service shall be fixed by the Virginia Alcoholic Beverage Control Board, with approval by the Governor, as provided by the Alcoholic Beverage Control Act. (The sums for such purpose set forth in the Budget are estimates only, and are not to be construed as affecting the discretion of the Governor or the Board with regard thereto as provided in said Act.)		

VIRGINIA STATE LIBRARY

Item 122		
For maintenance and operation of the Virginia State Library	$ 336,815	$ 341,812
Item 123		
For acquiring, preserving and publishing records and books, including the microfilming of newspapers and records	$ 115,000	$ 120,000
Item 123-A		
For erecting highway historical markers in accordance with the provisions of § 42-66.1 of the Code of Virginia	$ 1,750	
Item 124		
For State aid to public libraries in accordance with the provisions of §§ 42-24 to 42-32 of the Code of Virginia	$ 150,000	$ 150,000
Item 124-A		
For aid to public libraries, to be paid only out of funds received from the Federal government for this purpose, and not out of the general fund of the State treasury .....$80,000 the first year, and $80,000 the second year.		
Total for Virginia State Library	$ 603,565	$ 611,812

VIRGINIA MUSEUM OF FINE ARTS

Item 125		
For developing, interpreting and conserving the Virginia Museum visual arts ..... It is provided that no part of this appropriation from the general fund shall be expended in the maintenance and operation of theatrical productions.	$ 264,590	$ 271,240
Item 126		
For developing, interpreting and conserving the visual arts, including the purchase of additional equipment and works of art, the revenues collected from interest on endowments or from the operation of said museum, or donated therefor, and paid into the State treasury, estimated at .....$90,000 the first year, and $93,000 the second year.		
Item 127		
For maintenance of Gari Melchers Memorial	**$ 9,400**	**$ 9,400**

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Item 128	First Year	Second Year
For maintenance of Gari Melchers Memorial, from revenues collected from interest on endowment or from the operation of said memorial, or donated therefor, and paid into the State treasury, estimated at ....$300 each year.		
Total for Virginia Museum of Fine Arts.....	$ 273,990	$ 280,640

PUPIL PLACEMENT BOARD

Item 129		
For administration of pupil Placement Act.....	$ 166,510	$ 167,230

DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

Item 130		
For expenses of administration of the State Board of Education, including the payment of premiums on official bonds in accordance with the provisions of § 2-8 of the Code of Virginia	$ 176,400	$ 176,200
Out of this appropriation shall be paid the following salary: Superintendent of Public Instruction (without fees, the fees collected by him to be paid into the general fund of the State treasury) $17,000		
Item 131		
For research, planning and testing.....	$ 217,213	$ 198,963
Item 132		
For teacher education and teaching scholarships for the public free schools, an amount not to exceed.....	$ 673,375	$ 698,875
To be apportioned under rules and regulations of the State Board of Education with the approval of the Governor.		
Item 133		
For State supervision.....	$ 331,700	$ 335,600
Item 134		
For production of motion picture films.....	$ 37,800	$ 37,800
Item 135		
For production of motion picture films, to be paid only from funds derived by the State Board of Education from the production of such films and paid into the State treasury, and not out of the general fund of the State treasury .....$17,050 each year.		
Item 136		
For local administration (salaries of division superintendents)	$ 255,000	$ 255,000
This appropriation shall be expended for salaries of division superintendents under the conditions set forth in § 22-37, as amended, of the Code of Virginia.		
Item 137		
For the establishment and maintenance of local supervision of instruction in * elementary and * *high* schools, including visiting teachers, to be apportioned among such schools by the State Board of Education..	$ 752,700	$ 752,700

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Item 138	First Year	Second Year
For basic appropriation for *teachers'* salaries *	$44,655,500	$50,975,150

It is provided that in the apportionment of this sum no county or city shall receive less than the amount prescribed by § 135 of the Constitution of Virginia.

It is provided, further, that the total of this sum, including the aforementioned apportionment, and the sums set forth in Items 139 and 140 shall be apportioned to the public schools by the State Board of Education under rules and regulations promulgated by it to effect the following provisions:

a. The apportionment shall be on the basis of the following amounts, as applicable, per State aid teaching position:

(1) in the first year of the biennium, $1,650 for each such position, plus an additional $150 for each such position which is occupied by a teacher having a collegiate professional certificate (or equivalent) and seven or less years of experience or by a teacher having a normal professional certificate (or equivalent) and eleven or less years of experience; and,

(2) in the second year of the biennium, $1,750 for each such position, plus an additional $300 for each such position which is occupied by a teacher having a collegiate professional certificate (or equivalent) and seven or less years of experience or by a teacher having a normal professional certificate (or equivalent) and eleven or less years of experience.

It is provided, however, that no payment from this item for a State aid teaching position shall exceed two-thirds of the salary paid the incumbent of a State aid teaching position when the total salary of such incumbent is less than the amount of State aid available for each State aid teaching position. For purposes of this act, "State aid teaching position" is defined as one teaching position for each thirty (30) pupils in average daily attendance in the elementary grades and one teaching position for each twenty-three (23) pupils in average daily attendance in the high school grades. The average daily attendance figures used in the apportionment of this item shall be those of the school year falling within the fiscal year for which the appropriation is made.

b. No apportionment from this item shall be made to any county or city for State aid teaching positions in excess of the number of such positions in which teachers are actually employed; provided, however, that in exceptional circumstances and in the discretion of the State Board of Education, a county or city may employ fewer teachers than the number of assigned State aid teaching positions allotted in accordance with paragraph a.

c. No apportionment from this item shall be made to any county or city except for payment of salaries of teachers or other instructional personnel in the public schools, or for payment of tuition in lieu of teacher or other instructional salaries under rules and regulations of the State Board of Education.

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First Year Second Year

d. The annual expenditure of funds, derived from local sources, for instruction in the public schools shall not be less than the annual expenditure made from local sources for such instruction for the second school year in the previous biennium. However, if a county or city has established and maintains a salary schedule for teachers and other instructional personnel satisfactory to the State Board of Education, the expenditure, derived from local funds, for the salaries of teachers and other instructional personnel may be reduced below such expenditures for the second school year in the previous biennium, provided the reduction and the amount of reduction are approved by the State Board of Education. Also, a county or city may reduce such expenditure in exceptional circumstances due to a substantial loss in average daily attendance of pupils in the county or city, or in other exceptional local conditions, provided the reduction and the amount of reduction are approved by the State Board of Education.

e. The county or city shall pay from local funds at least thirty per cent (30%) of the total amount expended for salaries of teachers and other instructional personnel. However, a county or city shall be permitted by the State Board of Education to pay not less than twenty per cent (20%) of such amount if the county or city provides a levy or cash appropriation or a combination of both for schools which, when converted to an equivalent true tax rate, is as great as the average of all county or all city levies or cash appropriations or a combination of both such levies and appropriations for schools converted to an equivalent true tax rate; in converting a levy or cash appropriation or a combination of both for schools to an equivalent true tax rate, ratios of assessed valuations to true values used shall be such ratios determined by the State Tax Commissioner for the tax year 1950. For such counties or cities, the State Board of Education shall determine the per cent of local contribution, in no instance less than twenty per cent (20%) of the total amount expended for salaries of teachers and other instructional personnel.

f. A minimum salary schedule for teachers and other instructional personnel, satisfactory to the State Board of Education and approved by the Governor, shall be put into effect.

g. If any municipality annexes any portion of any county or counties, the State Board of Education shall make such equitable adjustment of the funds which would otherwise have gone to either as is in its opinion justified by the peculiar condition created by such annexation, and order distribution of such funds according to its findings. This provision shall not apply if a court of competent jurisdiction makes such adjustment and orders such distribution.

h. Allotments of funds from this item and from Items 139 and 140 beyond the constitutional appropriation shall be paid to a county or city only after

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	First Year	Second Year

submission of evidence satisfactory to the State Board of Education that the amount for which the allotment is claimed has been or will be expended for the purpose designated and in full compliance with the terms and conditions set forth pursuant to this item.

i. It is further provided that the State Board of Education with the approval of the Governor may make such equitable adjustment in the distribution of this fund as may be necessary due to a substantial loss in average daily attendance of pupils in any county, city or town. The average daily attendance data for such county, city or town for the previous year may be used in making this adjustment.

It is further provided that in the event the total of the sums set forth in Items 138, 139, and 140 exceeds the amount necessary to make the apportionments required by this item, any balance remaining may, upon request by the State Board of Education, and with the prior written approval of the Governor, be transferred and added to the sums set forth in Item 142 or in Item 148, or in both.

Item 139

For basic appropriation for teachers' salaries, to be paid from the actual collections of special taxes segregated by § 135 of the Constitution of Virginia to support of the public free schools; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at.....$1,275,000 the first year, and $1,350,000 the second year.

Item 140

For basic appropriation for teachers' salaries, to be paid from the proceeds of interest payments to the Literary Fund; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at .....$1,056,500 the first year and $1,478,000 the second year.

Item 141

For salary equalization *.....	$ 9,050,000	$ 9,050,000

a. It is provided that the State Board of Education shall pay from the sums provided by this item to each county and city an amount equal to that paid for the year ending June 30, 1958, from Item 137, Chapter 716, Acts of Assembly of 1956.

b. It is provided further that the State Board of Education shall make no distribution from this item to any county or city which has not first complied with the conditions stated in paragraphs c-h, inclusive, of Item 138 and in paragraph b of Item 142.

c. If the sums available for this item as listed herein or by authorized transfer hereto are not sufficient for the purposes described, the distribution of such sums shall be made on a pro rata basis. If the sums available for this item as listed herein exceed the amount required for the purposes described, any balance remaining may, upon request of the State Board of Education, with the prior written approval of the Governor, be transferred and added to the sums set forth in Item 138, or in Item 142, or in both.

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Item 142	First Year	Second Year
For providing a minimum educational program *	$ 7,500,000	$ 8,000,000

A county or city, which meets the requirements stated below is eligible, subject to rules and regulations promulgated by the State Board of Education, to receive an apportionment from this item to provide sufficient monies to operate a minimum educational program; a minimum educational program is defined as expenditure for school operation of not less than one hundred and seventy dollars nor more than two hundred dollars, as promulgated by the State Board of Education, per pupil in average daily attendance. To be eligible for an apportionment from this item, a county or city must:

a. Have projected, in the opinion of the State Board of Education, a well-planned educational program, and

b. Have expended from local sources for school operation, exclusive of capital outlay and debt service, an amount equivalent to a uniform tax levy of fifty cents per one hundred dollars ($100) of true valuation of local taxable wealth within such county or city. The true valuation of local taxable wealth used for this purpose shall be that determined by the State Department of Taxation for the tax year 1950.

c. Be still unable, with the amount thus provided from local sources, other available State apportionments for the public free schools, and Federal funds (not including capital outlay), to provide a minimum education program as defined above.

It is further provided that the State Board of Education may, in its discretion, apply eligibility requirements and compute allocations from this fund separately for any town school district operated by a school board of not more than five members, and the county in which such town is located.

If the amount set forth in Items 138-140, inclusive, or in Item 141 are not sufficient for the purposes described therein, the State Board of Education with the prior written approval of the Governor, may transfer from Item 142 to Item 138 or to Item 141, or to both, such sums as may be deemed proper.

If the amount provided by this item is insufficient to meet the entire needs of those counties and cities which qualify for apportionments as herein provided, the amount shall be distributed to such counties and cities on a pro rata basis.

No county or city shall receive from the total appropriation under this item more than two hundred and twenty-five thousand dollars during either year of the current biennium.

Item 143		
For special education	$ 706,550	$ 757,450

Item 144		
For vocational education and to meet Federal aid	$ 4,391,500	$ 4,845,025

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	First Year	Second Year
Item 145		
For vocational education, the funds received from the Federal government for vocational education, provided that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at .....$950,000 each year.		
It is provided that a sum, not less than $5,000 each year, be transferred from this appropriation to the general fund of the State treasury as a proportionate share of the administrative expenses of the State Board of Education.		
Item 146		
For guidance and adult education.....$	40,000	$ 40,000
Item 147		
For pupil transportation *.....$	5,222,280	$ 5,367,075
This appropriation shall be distributed as reimbursement for costs of pupil transportation under rules and regulations to be prescribed by the State Board of Education; provided no county or city shall receive an allotment in excess of the amount actually expended for transportation of pupils to and from the public schools, exclusive of capital outlay; provided, further, that if the funds appropriated for this purpose are insufficient, the appropriation shall be prorated among the counties and cities entitled thereto.		
Item 148		
For a discretionary fund to be disbursed under the rules and regulations of the State Board of Education.....$	100,000	$ 100,000
It is provided that the State Board of Education may make apportionments from this discretionary fund only under the following conditions:		
(1) For the purpose of aiding certain counties to operate and maintain a nine-month school term: satisfactory assurances must be given to the State Board of Education that (a) without aid from this fund the county is unable from local funds and other State funds to operate and maintain a nine-month school term, (b) maximum local funds for instruction, operation, and maintenance have been provided, and (c) such local funds, with other State funds apportioned to said county, and aid from this appropriation will enable the schools in said county to be operated and maintained for a term of not less than nine months.		
(2) For the purpose of aiding those counties and/or cities which are experiencing extraordinary continuing increases in average daily attendance, thereby requiring employment of additional teachers in excess of the number anticipated on the basis of average daily attendance of pupils enrolled during the preceding school year.		
Item 149		
For sick leave with pay for teachers in the public free schools, to be expended in accordance with regulations of the State Board of Education, subject to the prior written approval of the Governor.....$	330,000	$ 363,000

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Item 150	First Year	Second Year
For providing free text books only	$ 225,000	$ 245,000

Item 151

For maintenance of libraries and other teaching material in public schools ..... $ 532,950 $ 573,450

Item 152

For maintenance of libraries and other teaching materials in public schools, to be paid only out of the funds received from localities, and paid into the State treasury, and not out of the general fund of the State treasury, estimated at ..... $300,000 the first year, and $330,000 the second year.

Item 153

For industrial rehabilitation ..... $ 551,430 $ 595,100

Item 154

For industrial rehabilitation to be paid only from funds received from the Federal government and from local contributions for any such rehabilitation and not out of the general fund of the State treasury, estimated at ..... $1,136,870 the first year, and $1,224,200 the second year.

Item 155

For industrial rehabilitation to be paid from the fund for the administration of the Workmen's Compensation Act and not out of the general fund of the State treasury ..... $17,000 each year.

Item 156

For placement and training of veterans in business establishments ..... $ 7,425 $ 7,430

Item 157

For placement and training of veterans in business establishments, to be paid only out of funds received from the Federal government for this purpose, and not out of the general fund of the State treasury ..... $91,875 the first year, and $92,670 the second year.

Item 158

For the education of orphans of soldiers, sailors and marines who were killed in action or died, or who are totally and permanently disabled as a result of service during the World War ..... $ 18,000 $ 18,000

It is provided that the sum hereby appropriated shall be expended for the sole purpose of providing for tuition, institutional fees, board, room rent, books and supplies, at any educational or training institution of collegiate or secondary grade in the State of Virginia, approved in writing by the Superintendent of Public Instruction, for the use and benefit of the children not under sixteen and not over twenty-five years of age, either of whose parents was a citizen of Virginia at the time of entering war service and was killed in action or died from other causes in World War I extending from April 6, 1917, to July 2, 1921, or in any armed conflict subsequent to December 6, 1941, while serving in the army, navy, marine

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	First Year	Second Year

corps, air force or coast guard of the United States, either of whose parents was, or is, or may hereafter become totally and permanently disabled due to such service during either such period, whether such parents be now living or dead.

Such children, upon recommendation of the Superintendent of Public Instruction, shall be admitted to State institutions of secondary or college grade, free of tuition.

The amounts that may be, or may become, due hereunder by reason of attendance at any such educational or training institution, not in excess of the amount specified hereinafter shall be payable from this appropriation hereby authorized on vouchers approved by the Superintendent of Public Instruction.

The Superintendent of Public Instruction shall determine the eligibility of the children who may make application for the benefits provided for herein; and shall satisfy himself of the attendance and satisfactory progress of such children at such institutions and of the accuracy of the charge or charges submitted on account of the attendance of any such children at any such institution, provided, that neither said Superintendent nor any member of the State Board of Education, nor any official or agent or employee thereof, shall receive any compensation for such services.

Not exceeding four hundred dollars shall be paid hereunder for any one child for any one school year; and no child may receive benefits of this or similar appropriations for a total of more than four school years.

This amendment shall not operate to divest any such child of any such scholarship now holding any such scholarship under this act except that the four-year limitation herein provided for shall apply to any scholarship heretofore issued.

Item 158-A

To further and encourage generally the education of the children in Virginia, by providing for the payment of tuition grants for children attending nonsectarian private schools and public schools located in school districts other than that which the children would normally attend, a sum sufficient, estimated at..... *$1,200,000* *$1,800,000*

a. The sums appropriated by this item shall be expended to provide tuition grants to pupils attending those said schools which are approved for their attendance by the State Board of Education, and shall be made under rules and regulations to be promulgated and enforced by the State Board of Education. Such grants shall be paid out of this appropriation to the parent, guardian or other custodian of the pupil, and shall not exceed $250.00 for the school session 1958-59 and $250.00 for the school session 1959-60, or the amount necessary to be expended in payment of the actual cost of such pupil's attendance at said school, whichever sum is the lesser.

b. Pupils entitled to tuition grants hereunder shall be those whose parents, guardians or custodians make affidavit, and establish to the satisfaction of

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	First Year	Second Year
the State Board of Education, that there is no adequate public school available for the pupil to attend, or that the welfare of the child would be best served if he attended a school other than the public school which he would normally attend; or that the pupil, his parents, guardian or custodian object upon grounds deemed valid and reasonable by the State Board of Education to such pupil's attendance at the public school to which he has been or would normally be assigned. Nothing herein contained shall be construed as prohibiting localities from supplementing such grants from local funds otherwise legally available.		
Item 159		
For twelve months' principals	$ 330,000	$ 330,000
Item 160		
For the acquisition and distribution of surplus equipment, to be paid only from funds derived by the State Board of Education from such acquisition and distribution of the said equipment and paid into the State treasury, and not out of the general fund of the State treasury $105,100 the first year, and $106,300 the second year.		
Item 161		
The State Board of Education shall make rules and regulations governing the distribution and expenditure of such additional Federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.		
Total for the State Board of Education	$77,414,823	$85,521,818
Woodrow Wilson Rehabilitation Center		
Item 162		
For maintenance of Woodrow Wilson Rehabilitation Center, under supervision of the State Superintendent of Public Instruction, to be paid only out of the special revenues derived from the operation of the said Center, and paid into the State treasury, and not out of the general fund of the State treasury $769,925 the first year, and $782,485 the second year. It is further provided that, with the prior written approval of the Governor, the above appropriations for maintenance and operation may be increased by an amount not exceeding any special revenue collections in excess of the sums listed above.		
Virginia State College, at Petersburg		
Item 163		
For maintenance and operation of the Virginia State College, at Petersburg. It is provided that out of this appropriation there is hereby appropriated: For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.	$ 1,663,982	$ 1,708,632
Item 164		
For medical scholarships, not exceeding	$ 10,000	$ 10,000
Item 165		
For dental scholarships, attendance to be at Meharry Medical College, or other college offering such courses.	$ 2,000	$ 2,000

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	First Year	Second Year
Item 166		
For making loans to students	$ 3,500	$ 3,500
Item 167		
For equalization of higher educational opportunities	$ 135,000	$ 135,000
Item 168		
For contracts with Meharry Medical College and Tuskegee Institute	$ 60,500	$ 60,500
Item 169		
For maintenance and operation of the Virginia State College, at Petersburg, to be paid only from the special revenues collected or received for the use of the said Virginia State College, and paid into the State treasury, and not out of the general fund of the State treasury $1,498,968 the first year, and $1,498,968 the second year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in effect by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto, a sum sufficient, estimated at $106,000 the first year, and $104,000 the second year.		
Total for Virginia State College, at Petersburg	$ 1,874,982	$ 1,919,632
Virginia State College, at Petersburg, Norfolk Division		
Item 170		
For maintenance and operation of an extension division of the Virginia State College, at Norfolk	$ 505,389	$ 561,389
Item 171		
For maintenance and operation of an extension division of the Virginia State College, at Norfolk, to be paid only from the special revenues collected or received for the use of the said Norfolk Division, and paid into the State treasury, and not out of the general fund of the State treasury $505,800 the first year, and $545,800 the second year.		
Total for Virginia State College, at Petersburg, including Norfolk Division	$ 2,380,371	$ 2,481,021
Longwood College, at Farmville		
Item 172		
For maintenance and operation of Longwood College, at Farmville	$ 611,013	$ 630,330
Item 173		
For maintenance and operation of Longwood College, at Farmville, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury $677,942 the first year, and $695,490 the second year.		

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	First Year	Second Year
Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in effect by § 23-30, and § 23-21 of the Code of Virginia, or with any amendments thereto.....$42,500 the first year and $42,300 the second year.		

Madison College, at Harrisonburg

Item 174		
For maintenance and operation of Madison College, at Harrisonburg	$ 740,438	$ 727,694
Item 175		
For maintenance and operation of Madison College, at Harrisonburg, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury.....$966,300 the first year, and $1,033,025 the second year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in effect by § 23-30 of the Code of Virginia, and § 23-31 of the Code of Virginia, or with any amendments thereto....$79,025 the first year, and $76,915 the second year.		

Virginia State School, at Newport News

Item 176		
For maintenance and operation of the Virginia State School, at Newport News	$ 369,280	$ 381,190
Item 177		
For maintenance and operation of the Virginia State School, at Newport News, to be paid only from special revenues collected by the Virginia State School, at Newport News, and paid into the State treasury, and not out of the general fund of the State treasury .....$21,400 each year.		

VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND, AT STAUNTON

Item 178		
For maintenance and operation of the Virginia School for the Deaf and the Blind, at Staunton	$ 723,818	$ 711,747
Item 179		
For maintenance and operation of the Virginia School for the Deaf and the Blind, at Staunton, to be paid only out of special revenues collected or received for use of said Virginia School for the Deaf and the Blind, and paid into the State treasury and not out of the general fund of the State treasury.....$56,727 the first year, and $56,728 the second year.		

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STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Item 180	First Year	Second Year
For providing for the coordination of the State-supported system of higher education	$ 30,300	$ 29,600
Item 180-A		
For scholarships	$	$ 50,000

It is provided that this appropriation shall be used for scholarships to be awarded to graduates of Virginia high schools on basis of need and merit to attend any college or university in Virginia. The standards and conditions for awards and retention of scholarships shall be developed by the State Council of Higher Education and the State Board of Education, jointly. It is further provided that fifty per centum of this appropriation shall be expended in granting scholarships as hereinabove provided. The remaining fifty per centum of this appropriation shall be established as a student loan fund, to be disbursed and repaid in accordance with rules and regulations developed by the State Council of Higher Education and the State Board of Education jointly. Whenever a scholarship is awarded from this appropriation, it shall be established upon the books of the State Treasurer to the credit of the institution of higher education which accepts the student receiving such scholarship. It is further provided that fifty per centum of such scholarships and fifty per centum of the loan fund hereby established shall be made available to students who will take courses leading to degrees in the fields of science and engineering. It is finally provided that any note or other evidence of a promise to repay any such scholarship loan executed by a person seventeen years of age or older shall for the purpose of enforcing such obligation be deemed sui juris.

Total for the State Council of Higher Education for Virginia	$ 30,300	$ 79,600

COLLEGE OF WILLIAM AND MARY IN VIRGINIA, AT WILLIAMSBURG

Item 181		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg	$ 1,163,960	$ 1,202,725

It is provided that out of this appropriation there is hereby appropriated:

For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.

Item 182

It is provided that no expenditure for lectures and entertainments shall be made by the College of William and Mary in excess of the amounts obtained by the College for providing such lectures and entertainments.

Item 183

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, to be paid only from the special revenues collected or received for the use of said College of William and Mary, and paid into the State treasury, and not out of the gen-

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	First Year	Second Year
eral fund of the State treasury.....$1,654,380 each year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid College of William and Mary, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in effect by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto .....$117,000 each year.		

College of William and Mary in Virginia, at Williamsburg, Norfolk Division

Item 184		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Norfolk Division	$ 508,140	$ 523,140
Item 185		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Norfolk Division, to be paid only from the special revenues collected or received for the use of the said Norfolk Division, and paid into the State treasury, and not out of the general fund of the State treasury..$719,700 the first year, and $752,700 the second year.		
Item 186		
It is provided that no expenditure for the teaching of four-year courses at the Norfolk Division of the College of William and Mary shall be made except with the prior approval of the General Assembly.		

College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute

Item 187		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute	$ 398,150	$ 430,675
Item 188		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute, to be paid only from the special revenues collected or received for the use of the said Richmond Professional Institute, and paid into the State treasury and not out of the general fund of the State treasury .....$908,850 the first year, and $910,325 the second year.		

MEDICAL COLLEGE OF VIRGINIA, AT RICHMOND

College Division

Item 189		
For maintenance and operation of the Medical College of Virginia, at Richmond, College Division	$ 1,345,695	$ 1,341,865
Item 190		
For making loans to students	$ 1,000	$ 1,000

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	First Year	Second Year
Item 190-A		
For post graduate education—medicine	$ 11,405	$ 11,405
Item 191		
For post graduate education—dentistry	$ 5,000	$ 5,000
Item 192		
For medical scholarships	$ 20,000	$ 20,000
Item 193		
For dental scholarships	$ 4,000	$ 4,000
Item 194		
For nursing scholarships	$ 2,000	$ 2,000
Item 195		
For maintenance and operation of the Medical College of Virginia, at Richmond, College Division, including interest and sinking fund payments on the bonded debt of said college division, to be paid only from special revenues collected or received for the use of said Medical College of Virginia, College Division, and paid into the State treasury, and not out of the general fund of the State treasury.....$1,080,250 the first year, and $1,118,180 the second year.		
Item 196		
For students' hospitalization to be paid out of the special revenues collected, or received, for the use of the said Medical College of Virginia, College Division, and paid into the State treasury, and not out of the general fund of the State treasury.....$46,300 each year.		
Total for the Medical College of Virginia, at Richmond, College Division	$ 1,389,100	$ 1,385,270

Medical College of Virginia, at Richmond
Hospital Division

Item 197		
For maintenance and operation of the Medical College of Virginia, at Richmond, Hospital Division, including free treatment, care and maintenance of indigent Virginia patients	$ 2,269,500	$ 2,445,550
Item 198		
For maintenance and operation of the Medical College of Virginia, Hospital Division, including interest and sinking fund payments on the bonded debt of said hospital division, to be paid only from special revenues collected or received for said hospital division, and paid into the State treasury, and not out of the general fund of the State treasury.....$6,383,700 the first year, and $6,395,250 the second year.		

UNIVERSITY OF VIRGINIA, AT CHARLOTTESVILLE

Items 199-200		
For maintenance and operation of the University of Virginia, at Charlottesville	$ 4,095,195	$ 4,027,985
Item 201		
For maintenance of extension activities	$ 113,100	$ 116,000

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Item 202	First Year	Second Year
For student scholarships	$ 10,000	$ 10,000

The Rector and Visitors of the University of Virginia shall have authority, with the consent of the Governor, to furnish from funds appropriated to the University by the General Assembly, monies for the creation of scholarships to be given graduates of Virginia high schools who meet the scholastic qualifications laid down by the Board.

Item 203		
For medical scholarships	$ 20,000	$ 20,000

Item 204

For maintenance and operation of the University of Virginia, at Charlottesville, to be paid only from special revenues collected or received for the use of said University of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury .....$3,082,200 the first year, and $3,191,700 the second year.

Out of this appropriation of $3,082,200 the first year, and $3,191,700 the second year it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid University of Virginia and to constitute the sinking fund in accordance with the provisions of §§ 7, 8 and 9 of chapter 61 of the Acts of Assembly of 1928, as continued in effect by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, and in accordance with the provisions of § 23-67 of the Code of Virginia, or with any amendments thereto, estimated at..$67,015 the first year, and $65,570 the second year out of the special revenues collected or received for the use of the said University of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury.

Item 205

For student health, to be paid only out of the special revenues collected or received by the University of Virginia for student health activities, and paid into the State treasury, and not out of the general fund of the State treasury.....$92,800 the first year, and $93,300 the second year.

Item 206

For maintenance of extension activities, to be paid only from special revenues collected or received for the use of said activities, and paid into the State treasury, and not out of the general fund of the State treasury .....$450,000 each year.

Item 207		
For Clinch Valley College	$ 126,750	$ 92,985

Item 208

For Clinch Valley College, to be paid only from the special revenues collected or received for the maintenance of said Clinch Valley College, and paid into the State

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	First Year	Second Year
treasury, and not out of the general fund of the State treasury ..... $86,300 the first year, and $86,800 the second year.		
Item 208-A		
For University of Virginia, Northern Virginia—Branch College	$ 55,000	$ 55,000
Total for the University of Virginia, at Charlottesville	$ 4,420,045	$ 4,321,970

University of Virginia, at Charlottesville
Hospital Division

Item 209		
For maintenance and operation of the University of Virginia, at Charlottesville, Hospital Division, including free treatment, care and maintenance of indigent Virginia patients	$ 1,163,950	$ 1,202,350
Item 210		
For maintenance and operation of the University of Virginia, at Charlottesville, Hospital Division, to be paid only from special revenues received for the use of the said Hospital Division and paid into the State treasury, and not out of the general fund of the State treasury ..... $2,818,750 each year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the existing interest bearing debt of the said Hospital Division and to constitute the sinking fund, estimated at ..... $14,825 the first year, and $10,845 the second year.		

Mary Washington College, of the University of Virginia,
at Fredericksburg

Item 211		
For maintenance and operation of Mary Washington College, of the University of Virginia, at Fredericksburg..	$ 376,930	$ 396,840
Item 212		
For maintenance and operation of Mary Washington College, of the University of Virginia, at Fredericksburg, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury..... $1,668,730 each year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto, estimated at ..... $101,320 each year.		

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VIRGINIA POLYTECHNIC INSTITUTE, AT BLACKSBURG

Item 213	First Year	Second Year
For maintenance and operation of the Virginia Polytechnic Institute, at Blacksburg	$ 2,776,510	$ 2,877,110
It is provided that out of this appropriation there is hereby appropriated: For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient. It is further provided that out of this appropriation there is hereby appropriated $10,000 each year for providing scholarships for needy Virginia youth.		
Item 214		
For regional education in veterinary medicine, to be expended in accordance with contract agreement between State of Virginia and Board of Control for Southern Regional Education	$ 64,500	$ 67,500
Item 215		
For making loans to students	$ 1,500	$ 1,500
Item 216		
For maintenance and operation of the Virginia Polytechnic Institute, at Blacksburg, to be paid only from the special revenues collected or received for the use of said college, and paid into the State treasury, and not out of the general fund of the State treasury $4,327,315 for the first year, and $4,332,315 for the second year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the Virginia Polytechnic Institute, at Blacksburg, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489, of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in force by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, or with any amendments thereto $233,600 the first year, and $249,100 the second year. It is further provided that out of this appropriation of $4,327,315 for the first year and $4,332,315 for the second year, there is hereby appropriated:		
For providing scholarships $10,000 each year.		
For student activities 35,700 the first year, and $36,000 the second year.		
For providing student's physical facilities 110,000 each year.		
For uniform commutation 96,000 each year.		
Total for Virginia Polytechnic Institute, at Blacksburg	$ 2,842,510	$ 2,946,110

Virginia Polytechnic Institute, at Blacksburg
Virginia Engineering Experiment Station

Item 217		
For the Virginia Experiment Station of the Virginia Polytechnic Institute for research in engineering	$ 54,710	$ 56,530

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	First Year	Second Year
Item 218		
For research in engineering by the Virginia Engineering Experiment Station of the Virginia Polytechnic Institute, to be paid only from the special revenues collected and paid into the State treasury for the use of the said Virginia Engineering Experiment Station, and not out of the general fund of the State treasury .....$130,400 each year.		

Virginia Polytechnic Institute, at Blacksburg,
Extension Division

Item 219		
For the Extension Division of the Virginia Polytechnic Institute, at Blacksburg, for the purpose of conducting demonstration work in the State of Virginia, or in the several counties therein, in connection and cooperation with the United States Department of Agriculture, under the provisions of the Federal Smith-Lever Act and other Federal acts for extension..	$ 1,943,350	$ 2,008,250
Out of this appropriation there is hereby appropriated: For dairy and pasture specialists.....$15,000 each year.		
Item 220		
For the Extension Division of the Virginia Polytechnic Institute, at Blacksburg, to be paid only from the special revenues collected or received for the use of said extension division and paid into the State treasury, including Federal aid, and not out of the general fund of the State treasury.....$1,512,150 each year.		
Item 221		
For the extension work on control and prevention of Black Shank disease in tobacco.....	$ 12,200	$ 12,100
Item 222		
For the Certified Seed Commission, for the improvement of Virginia Crops	$ 33,744	$ 33,944
It is provided that this appropriation shall be inclusive of all funds received by the Certified Seed Commission from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.		
Item 222-A		
For extension work on identification, control and prevention of diseases and pests harmful to shade trees, shrubs and other landscape plantings.....	$ 13,500	$ 9,960
Total for the Extension Division of Virginia Polytechnic Institute	$ 2,002,794	$ 2,064,254

Virginia Polytechnic Institute, at Blacksburg
Virginia Agricultural Experiment Station

Item 223		
For maintenance and operation of the Virginia Agricultural Experiment Station, at Blacksburg, and the several regional experiment stations under its control, in accordance with law	$ 1,259,360	$ 1,286,360

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	First Year	Second Year
Item 224		
For making surveys of soil	$ 52,000	$ 52,000
Item 225		
For economic classification of land	$ 37,500	$ 37,500
Item 226		
For investigation of tobacco diseases	$ 60,000	$ 61,000
Item 226-A		
For investigation of diseases and pests harmful to shade trees and other landscape plantings	$ 14,400	$ 12,210
Item 227		
For maintenance and operation of the Virginia Agricultural Experiment Station and the several county experiment stations under its control, in accordance with law, to be paid only from the special revenues received or collected for the use of said experiment station, and paid into the State treasury, including Federal aid, and not out of the general fund of the State treasury $1,059,000 each year.		
Total for Virginia Agricultural Experiment Station	$ 1,423,260	$ 1,449,070

Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford

Item 228		
For maintenance and operation of Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford	$ 461,155	$ 463,325
Item 229		
For making loans to students	$ 1,000	$ 1,000
Item 230		
For maintenance and operation of Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury $810,840 the first year, and $850,060 the second year.		
Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, or with any amendments thereto $59,700 the first year, and $59,600 the second year.		
Total for Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford	$ 462,155	$ 464,325

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VIRGINIA MILITARY INSTITUTE, AT LEXINGTON

Item 231	First Year	Second Year
For maintenance and operation of the Virginia Military Institute, at Lexington	$ 791,365	$ 783,030

Item 232

For maintenance and operation of the Virginia Military Institute, at Lexington, to be paid only from the special revenues collected or received for the use of said Virginia Military Institute, and paid into the State treasury, and not out of the general fund of the State treasury.....$1,176,305 the first year, and $1,222,010 the second year.

Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid Virginia Military Institute, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto .....$17,500 each year.

The amounts already accumulated of the following special Virginia Military Institute funds, i. e., the cadet re-examination fees, the fund representing reimbursement of shortages in the Virginia Military Institute's treasurer's account extending over a number of years, and the payments to Virginia Military Institute by former State cadets in lieu of service in the National Guard, teaching in Virginia schools, or working in the State Highway Department, shall hereafter constitute a Virginia Military Institute endowment fund, the interest on which shall be expended in accordance with the resolution of the Board of Visitors.

It is hereby provided that on and after the approval of this act the Board of Visitors of the Virginia Military Institute shall not admit any cadet as a "State cadet" whose financial condition or that of his parents permits him to pay the board and tuition fees charged other students.

VIRGINIA TRUCK EXPERIMENT STATION, AT NORFOLK

Item 233		
For experimentation in truck crop development	$ 193,395	$ 201,397

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGISTRATION

Items 234-235		
For directing and supervising the work of professional and occupational examining and licensing boards	$ 98,700	$ 101,200

It is hereby provided that out of this appropriation the following salary shall be paid:

Director $9,500

Virginia Board of Bar Examiners

Item 236		
For examining and licensing applicants for admission to the bar	$ 9,540	$ 9,540

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	First Year	Second Year
Out of this appropriation the secretary-treasurer of the Virginia Board of Bar Examiners shall be allowed an annual salary not exceeding.....$3,600		
Virginia State Board of Dental Examiners		
Item 237		
For regulating the practice of dentistry.....	$ 12,665	$ 12,665
It is hereby provided that the total expenditure made under the provisions hereof shall not exceed the total amount of revenue paid into the general fund of the State treasury by the Virginia State Board of Dental Examiners during the current biennium.		
Virginia Board of Funeral Directors and Embalmers		
Item 238		
For licensing funeral directors and embalmers, and carrying out the other duties required by law of the Virginia Board of Funeral Directors and Embalmers....	$ 22,495	$ 23,550
State Board of Examiners of Nurses		
Item 239		
For examination of nurses and for nurses' training school inspection	$ 48,310	$ 49,330
Virginia State Board of Examiners in Optometry		
Item 240		
For regulating the practice of optometry.....	$ 4,235	$ 4,235
State Board of Medical Examiners		
Item 241		
For regulating the practice of medicine.....	$ 24,225	$ 24,750
State Board of Pharmacy		
Item 242		
For regulating the practice of pharmacy.....	$ 42,530	$ 43,280
Virginia Athletic Commission		
Item 243		
For regulating boxing and wrestling contests in accordance with the provisions of §§ 9-16 through 9-48, inclusive, and § 18-319 of the Code of Virginia, to be paid only out of the revenues collected and paid into the State treasury in accordance with the provisions of this act, and not out of the general fund of the State treasury .....$11,762 the first year, and $11,919 the second year.		
Item 244		
For payment to the counties, cities and towns of their shares, pursuant to § 9-47 of the Code of Virginia, of monies collected by the Virginia Athletic Commission, a sum sufficient.		
State Registration Board for Contractors		
Item 245		
For regulating the practice of general contracting in Virginia	$ 24,920	$ 24,820
Total for the Department of Professional and Occupational Registration	$ 287,620	$ 293,370

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DEPARTMENT OF AGRICULTURE AND IMMIGRATION

Board of Agriculture and Immigration

	First Year	Second Year
Item 246		
For expenses of administration of the Board of Agriculture and Immigration	$ 104,050	$ 104,750
Out of this appropriation the following salary shall be paid: Commissioner of Agriculture and Immigration (without fees, all fees of office to be paid into the State treasury) $12,500		
Item 247		
For public information	$ 23,000	$ 23,000
Item 248		
For promoting Virginia farm products	$ 34,575	$ 35,175
Item 249		
For regulating the sale of fertilizers, limes and gasoline	$ 148,860	$ 150,480
Item 250		
For administration of commodities laws and laboratories	$ 47,250	$ 47,700
Item 251		
For prevention of swine diseases, to be paid only out of the fees and revenues collected or received by the Board of Agriculture and Immigration, in accordance with the provisions of § 3-598.4 of the Code of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury the amount of such revenues, estimated at $16,930 each year.		
It is provided that any unexpended portion of the funds derived from said fees and revenues at the close of the previous biennium is hereby reappropriated to the Board of Agriculture and Immigration to be used for the prevention of swine diseases.		
Item 252		
For protecting livestock from disease	$ 202,570	$ 202,440
Item 253		
For regulating the sale of economic poisons, a sum sufficient, estimated at	$ 34,500	$ 34,750
It is provided that the amount expended out of this appropriation for regulating the sale of economic poisons shall not exceed the amount paid into the State treasury during the current biennium as proceeds of revenues derived from regulating the sale of economic poisons.		
It is provided, however, that the unexpended balance at the close of the previous biennium in the inspection fees collected and paid into the State treasury through the enforcement of the Virginia Insecticide, Fungicide and Rodenticide law is hereby reappropriated to the Board of Agriculture and Immigration to be used for regulating the sale of economic poisons.		
Item 254		
For control of hog cholera, a sum sufficient, estimated at	$ 10,000	$ 10,000
It is provided, however, that the amount expended out of this appropriation for control of hog cholera shall not exceed the amount paid into the State		

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	First Year	Second Year
treasury during the current biennium as proceeds from the sale of hog cholera serum.		
Item 256		
For regulating sale of paints, as provided for in Chapter 5.1 of Title 59 of the Code of Virginia	$ 39,765	$ 39,725
Item 257		
For operating regional laboratories	$ 185,370	$ 189,970
Item 258		
For compilation of statistics	$ 18,325	$ 18,465
Item 259		
For testing and study of seeds	$ 95,358	$ 100,548
Item 260		
For crop pest control	$ 131,985	$ 130,245
Item 261		
For regulating the sale of commercial feeds and animal remedies	$ 180,604	$ 182,364
Item 262		
For administration of pure food laws	$ 93,875	$ 95,975
The Board of Agriculture and Immigration is hereby directed to expend out of the appropriation under this title, a sum sufficient to enable the board to perform the work in connection with apple spray residue which is necessary to enable commercial apple growers of this State to meet the requirements of the Federal and State pure food laws.		
Item 263		
For control of Vitamin D milk a sum sufficient, estimated at	$ 8,000	$ 8,000
It is provided, however, that the amount expended out of this appropriation for control of Vitamin D milk shall not exceed the amount paid into the State treasury during the current biennium as proceeds from fees collected for such control.		
Item 264		
For analyzing gasoline and motor oils	$ 39,055	$ 41,745
Item 265		
For administration of fruit grading and inspection	$ 40,800	$ 41,550
Item 266		
For inspection of livestock markets	$ 65,200	$ 65,200
Item 267		
For voluntary apple and peach inspection, to be paid only out of the fees and charges collected and paid into the State treasury for such voluntary apple and peach inspection and not out of the general fund of the State treasury, a sum sufficient, estimated at $57,225 the first year, and $62,425 the second year.		
It is provided, however, that the Commissioner of Agriculture and Immigration, with the approval of the Board of Agriculture and Immigration, shall after hearing, fix fees and other charges for services ren-		

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	First Year	Second Year
dered under this title, and collect the same from those for whom such service is rendered, at an amount sufficient to defray the estimated cost of said inspection service, the same to be paid into the State treasury. It is further provided, that any unexpended portion of the funds derived from said fees and other charges at the close of the previous biennium is hereby reappropriated to the Department of Agriculture and Immigration to be used for the "voluntary apple and peach inspection service" under this title.		
Item 268		
For administration of marketing activities	$ 316,900	$ 328,405
Item 269		
For administration of dairy laws	$ 188,152	$ 213,528
Item 270		
For inspection of gasoline and motor grease measures	$ 66,515	$ 65,475
Item 271		
For inspection of agricultural and other commodities, to be paid only out of the fees and charges collected and paid into the State treasury for such inspection of agricultural and other commodities and not out of the general fund of the State treasury, a sum sufficient, estimated at $801,025 the first year, and $810,910 the second year. It is provided that any unexpended portion of the funds derived from said fees and other charges at the close of the previous biennium are hereby reappropriated to the Division of Markets of the Department of Agriculture and Immigration, to be used for the "inspection of agricultural and other commodities," under this title.		
Item 272		
For enforcement of egg law	$ 23,230	$ 25,540
Item 272-A		
For meat inspection Provided that each establishment inspected shall pay that part of the actual cost of inspection provided it, which is not paid for from this general fund appropriation and such fees are hereby appropriated for this purpose.	$ 87,500	$ 87,500
Item 273		
For appointment and supervision of assistants, deputies, and inspectors to assist in carrying out the weights and measures law of Virginia, to be paid only out of the fees collected for the services of such assistants, deputies, and inspectors, in accordance with the provisions of §§ 59-80 and 59-81 of the Code of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury, the amount of such fees estimated at $9,445 the first year, and $9,650 the second year.		
Item 274		
For market expansion	$ 50,480	$ 51,725

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	First Year	Second Year
Item 275		
For market expansion, to be paid only out of funds received for that purpose from the Federal government, and paid into the State treasury, and not out of the general fund of the State treasury.....$50,000 each year.		
Item 276		
There is hereby reappropriated to the Board of Agriculture and Immigration for administration of pure food laws the unexpended balance at the close of the previous biennium in the special revenues collected and paid into the State treasury for regulation of operation of refrigerator locker plants.		
Total for the Board of Agriculture and Immigration	$ 2,235,919	$ 2,294,255
State Lime Grinding Plant No. 1, at Staunton		
Item 277		
For maintenance and operation of the State Lime Grinding Plant No. 1, at Staunton.....$97,490 the first year, and $101,590 the second year.		
Item 278		
For per diem allowance to prisoners, in accordance with the provisions of § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at.....$2,000 each year.		
Item 279		
All appropriations herein made to the State Lime Grinding Plant No. 1, at Staunton, shall be paid only out of the revenues collected and paid into the State treasury by the said Lime Grinding Plant, and not out of the general fund of the State treasury.		
State Lime Grinding Plant No. 2, at Appomattox		
Items 280-281		
For maintenance and operation of the State Lime Grinding Plant No. 2 at Appomattox, to be paid only out of the revenues derived from the operation of said lime grinding plant, and paid into the State treasury, and not out of the general fund of the State treasury.....$30,000 each year.		
Virginia State Apple Commission		
Item 282		
For promoting the sale and consumption of Virginia apples, to be paid only out of the apple merchandising fund created in accordance with §§ 3-513 through 3-525, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury.....$41,225 the first year, and $39,825 the second year.		
Virginia Bright Flue-Cured Tobacco Commission		
Item 283		
For promoting the sale, consumption, and exportation of Virginia bright flue-cured tobacco, to be paid only out of the Bright Flue-Cured Tobacco Promotion Fund pursuant to the provisions of §§ 3-240 through 3-256 of the Code of Virginia, and not out of the		

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	First Year	Second Year
general fund of the State treasury the amount needed from such funds, estimated at.....$9,000 each year.		

Virginia Peanut Commission

Item 284

For promoting the consumption of Virginia peanuts, to be paid only out of the peanut fund created pursuant to the provisions of §§ 3-525.1 through 3-525.19, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury.....$20,000 each year.

MILK COMMISSION

Item 285

For regulating the production and distribution of milk in accordance with the provisions of §§ 3-346 through 3-383, inclusive, of the Code of Virginia, to be paid only out of the revenues collected and paid into the State treasury, in accordance with the provisions of said sections and not out of the general fund of the State treasury .....$146,630 the first year, and $150,000 the second year.

Out of this appropriation the economist member of the Milk Commission, supplementary and in addition to ten dollars per day provided for in § 3-348 of the Code of Virginia, shall be paid an extra compensation of ten dollars per day for each day actually spent in the performance of his official duties.

Item 286

For regulating the production and distribution of milk by the local milk boards, in accordance with the provisions of §§ 3-346 through 3-383, inclusive, of the Code of Virginia, to be paid out of the revenues collected and paid into the State treasury, in accordance with the provisions of said sections and not out of the general fund of the State treasury...$68,870 the first year, and $69,420 the second year.

STATE SOIL CONSERVATION COMMITTEE

Item 287

For State soil conservation.....$	62,710	$ 62,880

Item 288

For State soil conservation, to be paid only out of the special revenues collected by the State Soil Conservation Committee and paid into the State treasury and not out of the general fund of the State treasury the amount of such special revenues, estimated at .....$10,000 each year.

Total for agricultural agencies.....$	2,298,629	$ 2,357,135

BOARD OF COMMISSIONERS OF THE VIRGINIA STATE PORTS AUTHORITY

Item 289

For the exercise and administration by the Board of Commissioners of the Virginia State Ports Authority of

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	First Year	Second Year
the powers and duties conferred upon and vested in the said Board of Commissioners by the Act of the General Assembly of 1952 creating the said Virginia State Ports Authority, or by other provision of law	$ 471,400	$ 478,500
It is provided that out of this appropriation the Virginia State Ports Authority may, in its discretion and with the written approval of the Chairman of the said Authority, expend for such expenses in connection with promotional activities as are commonly borne by business organizations a sum not to exceed $3,300 each year.		

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Item 290

For expenses of administration of the Department of Conservation and Economic Development	$ 43,707	$ 43,427
Out of this appropriation the following salary shall be paid:		
Director $12,500		

Item 291

For public relations and advertising	$ 501,940	$ 501,450
Out of this appropriation there is hereby appropriated:		
For advertising and dissemination of information related to Virginia's resources generally, and to the attraction of industry to Virginia and for industrial promotion $450,000 each year; provided that no part of this appropriation shall be available for expenditure except with the prior approval of the Governor in writing.		
It is provided that from the appropriation listed immediately above such sums as are deemed necessary by the Director of the Department and approved by the Governor may be expended for analyzing the effectiveness of the advertising expenditures.		

Item 291-A

For personal service for research and promotional assistance in the development and conservation of Virginia's salt water sport fishing resources	$ 15,000	$ 15,000

Item 292

For maintenance and operation of the Southwest Virginia Museum	$ 5,150	$ 5,450

Item 293

For maintenance and operation of the Southwest Virginia Museum in the town of Big Stone Gap, to be paid only out of funds donated for that purpose, or otherwise obtained, without cost to the State of Virginia and paid into the State treasury and not out of the general fund of the State treasury $5,000 each year.		

Item 294

For operation of Virginia War Memorial Carillon and Museum	$ 3,400	$ 2,900

Item 295

For operation of State Parks	$ 261,250	$ 265,250
Out of this appropriation not more than $2,400 each year is hereby appropriated to employ a care-		

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	First Year	Second Year
taker for the Hillsman House at Saylor's Creek Battlefield Park.		
Item 295-A		
The Department of Conservation and Economic Development is authorized to assist in advertising the Claytor Lake Festival and to utilize its personnel, funds and facilities in aiding the operation of such festival. The Department is further authorized to require all contractors for concessions at such festival to reserve or set aside a portion of the proceeds realized from such concessions for use in defraying the expenses of operating such festival, the percentage of such proceeds which is to be so reserved or set aside to be determined by the Department.		
Item 296		
For exhibiting museum collection	$ 3,315	$ 3,525
Item 297		
For maintenance of improvements constructed by civilian conservation corps	$ 83,375	$ 96,710
Item 298		
For administration and protection of State forests, to be paid only out of the special revenues collected or received for the administration and protection of State forests, and paid into the State treasury to the credit of said Department, the amount of said special revenues, estimated at $61,020 the first year, and $61,950 the second year.		
It is further provided that any unexpended balance at the close of the previous biennium, in the special revenues collected or received for the administration and protection of State forests are hereby reappropriated to the Department of Conservation and Economic Development to be used for the purposes stated in this item.		
Item 299		
For forestry service to landowners	$ 153,475	$ 160,375
Item 300		
For forestry service to landowners, to be paid only out of special revenues collected or received for furnishing the said forestry service to landowners, and paid into the State treasury, and not out of the general fund of the State treasury $53,000 each year.		
Item 301		
For protection and development of forest resources, in accordance with law	$ 443,700	$ 470,700
Item 302		
It is provided that the Department of Conservation and Economic Development may expend, for protection and development of forest resources of the State in accordance with law the special revenues collected or received for the protection and development of such forest resources, from Federal aid and other sources, and paid into the State treasury, to the credit of said Department, estimated at $643,200 the first year, and $623,200 the second year.		

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	First Year	Second Year
Item 303		
For investigation and control of forest pests	$ 33,215	$ 33,720
Item 304		
For mineral resources investigation	$ 144,000	$ 141,600
It is provided that during the current biennium, no part of this appropriation may be paid to any Federal agency or activity for joint operation of geological surveys.		
It is further provided that no funds may be allotted from this appropriation without the prior written approval of the Governor.		
Item 304-A		
For ground water resources investigation	$ 25,000	$ 25,000
Item 305		
For topographical mapping in cooperation with the United States Geological Survey	$ 40,000	$ 40,000
Item 306		
For water resources investigation	$ 132,450	$ 136,350
It is hereby provided that the salary of the Commissioner of Water Resources shall be paid entirely out of the general fund of the State treasury, and that the said Commissioner shall receive no compensation from the Federal government.		
It is provided that the Department of Conservation and Economic Development may, with the approval of the Governor, expend for water resource investigation —stream gaging—the special revenues collected or received and paid into the State treasury to the credit of the said Department.		
It is further provided that during the current biennium, no part of this appropriation may be paid to any Federal agency or activity for joint operation of water resources investigations.		
It is further provided that no funds may be allotted from this appropriation without the prior written approval of the Governor.		
Item 307		
For planning and economic development	$ 152,800	$ 149,800
Out of this appropriation of $152,800 there is hereby appropriated for continuation of the work of the Industrial Development Study Commission $4,000.		
Item 308		
For Advisory Council on the Virginia Economy	$ 4,000	$ 4,000
Item 309		
There is hereby reappropriated for study of Virginia economy any unexpended balance in the State treasury at the close of the previous biennium, as proceeds of gifts, donations, and grants heretofore received and paid into the State treasury for the said study of Virginia economy.		
Total for the Department of Conservation and Economic Development	$ 2,045,777	$ 2,095,257

VIRGINIA WORLD WAR II MEMORIAL COMMISSION

Item 309-A		
For administration expenses of the Virginia World War II Memorial Commission	$ 2,000	$ 2,000

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BOARD OF REGENTS, GUNSTON HALL

	First Year	Second Year
Item 310		
For maintenance of Gunston Hall	$ 41,700	$ 41,700
Item 311		
For maintenance of Gunston Hall, to be paid only out of the special revenues collected and paid into the State treasury, for the maintenance of Gunston Hall, and not out of the general fund of the State treasury $9,250 the first year, and $9,500 the second year.		

STATE WATER CONTROL BOARD

Item 312		
For control, prevention and abatement of pollution in State waters	$ 127,280	$ 129,900

POTOMAC RIVER BASIN COMMISSION OF VIRGINIA

Item 313		
For control and abatement of pollution in the Potomac River Basin in accordance with the provisions of §§ 62-62 through 62-67, inclusive, of the Code of Virginia	$ 4,800	$ 4,800

OHIO RIVER VALLEY WATER SANITATION COMMISSION

Item 314		
For control and abatement of pollution in Ohio River Basin water	$ 4,875	$ 4,875

COMMISSION OF FISHERIES

Item 315		
For expenses of administration of the Commission of Fisheries	$ 44,000	$ 44,700
Out of this appropriation the following salary shall be paid: Commissioner $11,500		
Item 316		
For protection of oyster beds and fish	$ 315,000	$ 319,200
Out of this appropriation there is hereby appropriated: For new equipment $500 each year.		
Item 317		
For repletion of oyster beds	$ 143,800	$ 144,000
It is hereby provided that all planting of oyster shells for repletion of oyster beds herein authorized shall be carried on by the Commission of Fisheries only with the advice of, and in cooperation with, the Virginia Fisheries Laboratory.		
Total for the Commission of Fisheries	$ 502,800	$ 507,900

ATLANTIC STATES MARINE FISHERIES COMMISSION

Item 318		
For improving the utilization of Atlantic seaboard fisheries	$ 2,500	$ 2,500

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VIRGINIA FISHERIES LABORATORY

	First Year	Second Year
Item 319		
For maintenance and operation of the Virginia Fisheries Laboratory in accordance with the provisions of §§ 28-248 through 28-253, inclusive, of the Code of Virginia	$ 181,455	$ 177,205
Items 320-321		
For hydrographic and biological study of the Chesapeake Bay	$ 30,000	$ 30,000
Total for the Virginia Fisheries Laboratory	$ 211,455	$ 207,205

COMMISSION OF GAME AND INLAND FISHERIES

Items 322-323

For administration of the laws relating to game and inland fisheries ..... $2,278,880 the first year, and $2,359,190 the second year.

Item 324

It is hereby provided that all monies, fees and revenues collected by the Commission of Game and Inland Fisheries shall, upon receipt thereof, be paid promptly into the State treasury to the credit of the game protection fund and unexpended balances in such revenues from the previous biennium shall be transferred to said fund, and all appropriations made to the Commission of Game and Inland Fisheries as provided in this act, shall be paid out of the game protection fund, and not out of the general fund of the State treasury.

Item 325

In the event the Federal government should make available additional funds for game and fish work, such additional funds as are allocated to Virginia may be expended, subject to the approval of the Governor, for the lease and purchase of areas for refuges, wild life habitat demonstration, and research, public hunting and fishing grounds, structures, and for operating expenses in connection therewith.

DEPARTMENT OF HIGHWAYS

State Highway Commission

Item 326

For the State Highway Commission, for supervising the State highway system, in accordance with law, to be paid only from the proceeds of the tax on motor vehicle fuels, segregated by law to the State highway system, a sum sufficient, estimated at ..... $12,900 the first year, and $13,115 the second year.

Out of this appropriation members of the State Highway Commission, except the chairman, shall receive a per diem of $20 each, not exceeding ..... $1,500 in any one year.

Item 327

For expenses of administration of the State Highway

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First Year Second Year

Commission and for engineering to be paid only from the proceeds of the tax on motor vehicle fuels segregated by law to the State highway system.....$4,787,000 the first year, and $4,882,000 the second year.

Out of this appropriation the following salary shall be paid:

State highway commissioner.....$17,000

Item 328

For construction and reconstruction of State highways, for meeting Federal aid and for providing equipment and facilities necessary thereto, the proceeds of the tax on motor vehicle fuels, motor vehicle registration fees, motor bus licenses, and other revenues segregated by law for the construction and reconstruction of State highways, after the payment therefrom of any appropriations and transfers made by this act payable from the proceeds of said taxes; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at .....$28,367,500 the first year, and $31,563,500 the second year.

Item 329

For regulating outdoor advertising, in accordance with the provisions of §§ 33-298 to 33-324, inclusive, of the Code of Virginia, to be paid only out of the money collected and paid into the State treasury as provided by § 33-308 of the Code of Virginia, and not out of the highway maintenance and construction fund, nor out of the general fund of the State treasury, anything in the provisions of § 33-322 of the Code of Virginia to the contrary notwithstanding .....$40,000 each year.

Item 330

It is provided, further, that the State Highway Commission may expend for construction, reconstruction and maintenance of the highways in the interstate, primary, urban, and secondary systems the amount received from the Federal government and paid into the State treasury for such construction, reconstruction and maintenance, estimated at...$40,000,000 the first year, and $50,000,000 the second year.

Item 331

For maintenance of State highways, to be paid only from the proceeds remaining from the special taxes segregated by law to the maintenance of State highways, and not out of the general fund of the State treasury; and provided, further, that the State Highway Commission may, in its discretion, first set aside, out of this appropriation, the amount, in its judgment, necessary for the maintenance of the roads and bridges in the State highway system, and expend, in its discretion, the balance of said fund for construction or reconstruction of roads and bridges in the State highway system.....$10,500,000 the first year, and $11,000,000 the second year.

Items 332-333

For maintenance and improvement, including construc-

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First Year Second Year

tion and reconstruction, of the secondary system of State highways, to be paid only out of the proceeds of the motor vehicle fuel tax, and not out of the general fund of the State treasury.....$33,000,000 the first year, and $33,500,000 the second year.

Item 334

For construction and maintenance of city streets, to be paid only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury.....$7,618,000 the first year, and $8,385,000 the second year.

Item 335

For acquisition of land for use in the development of the George Washington Memorial Parkway in Virginia, to be paid only out of highway funds allocated by the State Highway Department to the primary State highway construction fund for the district in which the said Memorial Parkway is located, and not out of the general fund of the State Treasury, the amount of $305,000.

It is provided that this appropriation may be expended with the approval of the Governor and the State Highway Commission, for the acquisition by purchase, gift or condemnation of lands lying within the State of Virginia and within the boundaries of the proposed George Washington Memorial Parkway from the present terminus of the Parkway to the proposed Virginia-Washington Circumferential roadway at Cabin John in Fairfax County, Virginia, and no further. This appropriation being based on an estimate submitted to the Department of Officials of the National Capitol Park Planning Commission. It is further provided that this appropriation, with the approval of the Governor and the State Highway Commission, may be expended directly for the acquisition of such lands, or the Governor may place the entire appropriation, or any part thereof, at the disposal of the United States of America, for the acquisition of the said lands for the establishment of the proposed George Washington Memorial Parkway.

It is further provided, however, that this appropriation shall be expended or placed at the disposal of the United States of America or its duly authorized officers or agents for the acquisition of said lands only when satisfactory proof is furnished the Governor that an equivalent sum has been provided for the same purpose by the political subdivisions adjacent to the proposed George Washington Memorial Parkway; and provided, further, that this appropriation is not to be considered as obligating the State to make further appropriations for the establishment of the aforesaid Parkway except as future General Assemblies may deem it wise to do so.

Item 336

For a joint hydraulic study, to be paid only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury .....$4,000 each year.

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Item 337

For maintenance and operation of toll facilities, to be paid in accordance with the provisions of §§ 33-227 through 33-255, inclusive, of the Code of Virginia, provided that no part of this appropriation shall be paid out of the general fund of the State treasury.....$6,175,000 the first year, and $6,375,000 the second year.

It is hereby provided that out of this appropriation shall be paid the amount required for interest and sinking fund requirements on the revenue bonds issued by the State Highway Commission for the acquisition of toll facilities, estimated at.....$4,329,400 the first year, and $4,489,400 the second year.

Total for the State Highway Commission from special funds.....$130,504,400 the first year, and $145,762,615 the second year.

Central Garage

Item 338

For maintenance and operation of a Central Garage, in accordance with the provisions of § 2-42 of the Code of Virginia, to be paid only out of the revenues, costs and charges collected from the operation of said Central Garage under the provisions of § 2-42 of the Code of Virginia, and paid into the State treasury as required by the said section, provided that no part of this appropriation shall be paid out of the general fund of the State treasury, the amount of such revenues, costs and charges estimated at .....$1,044,225 the first year, and $1,074,270 the second year.

DEPARTMENT OF PUBLIC HEALTH

State Board of Health

It is provided that the amounts estimated and set forth in Items 340, 343, 347, 349, 357, 359, 361, 363, 365, 369, 371, 373, 374, and 375 are appropriated from special revenues collected or received for the use of the State Board of Health and paid into the State treasury, and such amounts shall not be paid from the general fund of the State treasury.

Item 339

For expenses of administration of the State Board of Health ..... $ 119,850 $ 121,575

Out of this appropriation the following salary shall be paid:

State health commissioner $17,000

Item 340

For expenses of administration.....$105,245 the first year, and $105,520 the second year, from special revenues.

Item 341

For health education ..... $ 40,000 $ 40,450

Item 342

For collection and publication of vital statistics..... $ 306,890 $ 310,590

Item 343

For collection and publication of vital statistics.....$3,745 each year, from special revenues.

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	First Year	Second Year
Item 344		
For sanitary engineering	$ 121,515	$ 123,015
It is provided that out of this appropriation there is hereby appropriated: For Hampton Roads Sanitation District Commission, for sewage prevention and control $5,000 each year.		
Item 345		
For shellfish inspection and sanitation	$ 99,685	$ 102,685
Item 346		
For industrial hygiene	$ 32,250	$ 33,250
Item 347		
For industrial hygiene, to be paid from the fund for the administration of the Workmen's Compensation Act $16,000 each year.		
Item 348		
For prevention of tuberculosis	$ 614,325	$ 543,825
It is provided that out of this appropriation there is hereby appropriated: For the surgical treatment of tuberculosis, each year $98,000 For aid to local tuberculosis sanatoria $219,000 the first year, and $146,000 the second year.		
Item 349		
For prevention of tuberculosis $112,300 each year, from special revenues.		
Item 350		
For tuberculosis diagnosis, surgery, and hospitalization at the Ennion G. Williams Hospital, Medical College of Virginia	$ 911,900	$ 912,200
Item 351		
For control of venereal diseases	$ 57,960	$ 58,360
Item 352		
For control of epidemics	$ 58,200	$ 58,890
Item 353		
For malaria and mosquito control	$ 97,540	$ 99,740
It is provided that out of this appropriation there is hereby appropriated: For contribution by the State Board of Health to mosquito control commissions established in accordance with law, not exceeding $67,000 the first year, and $68,700 the second year. It is further provided that contributions by the State Board of Health out of this appropriation to any mosquito control commission shall not exceed 25 per cent of the gross amount obtained by such commission from other sources.		
Item 354		
For administration of Merit System	$ 14,500	$ 14,500
Item 355		
For personnel training	$ 9,000	$ 9,000
Item 356		
For medical and nursing facilities services	$ 96,285	$ 100,285

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	First Year	Second Year
Item 357		
For medical and nursing facilities services.....$3,600 each year from special revenues.		
Item 358		
For cancer control.....	$ 36,310	$ 36,410
Item 359		
For cancer control.....$46,100 each year, from special revenues.		
Item 360		
For inspection of hotels, tourist and food establishments...	$ 133,225	$ 135,225
Item 361		
For administration of Virginia bedding law.....$38,930 the first year, and $39,430 the second year, from special revenues.		
Item 362		
For maternal and child health.....	$ 81,495	$ 83,010
Item 363		
For maternal and child health.....$443,605 the first year, and $444,090 the second year, from special revenues.		
Item 364		
For crippled children's service.....	$ 239,745	$ 243,170
Item 365		
For crippled children's service.....$385,755 the first year, and $386,330 the second year, from special revenues.		
Item 366		
For nursing scholarships, to provide scholarships pursuant to §§ 23-35.9 through 23-35.13, Code of Virginia, and to provide scholarships to train teachers of nurses subject to the conditions of acceptance stated in these cited sections	$ 20,000	$ 20,000
Item 367		
For operation of laboratories.....	$ 189,830	$ 193,830
Item 368		
For study, care, treatment, research and rehabilitation of alcoholics, as provided by law.....	$ 200,180	$ 208,980
Item 369		
For study, care, treatment and rehabilitation of alcoholics, as provided by law.....$44,500 each year, from special revenues.		
Item 370		
For post-mortem examinations.....	$ 180,460	$ 175,460
Item 371		
For providing bodies for scientific study.....$11,855 the first year, and $12,145 the second year, from special revenues.		
Item 372		
For local health services.....	$ 2,816,155	$ 2,856,385
It is provided that such part of this appropriation		

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	First Year	Second Year
as may be expended in providing medical services to persons requiring the same shall be expended under rules and regulations adopted jointly by the State Board of Health and the governing body of the county or city paying a portion of the cost of such service; such rules and regulations shall be so devised and administered as to ensure that such medical services will be rendered only to the indigent or medically indigent.		
Item 373		
For local health services.....$ 1,349,445 the first year, and $1,363,915 the second year, from special revenues.		
Items 374-375		
For study of heart diseases.....$48,600 each year, from special revenues.		
Total for the State Board of Health.....	$ 6,477,300	$ 6,480,835
Blue Ridge Sanatorium, at Charlottesville		
Item 376		
For maintenance and operation of the Blue Ridge Sanatorium, at Charlottesville.....	$ 1,051,665	$ 1,062,795
Item 377		
For maintenance and operation of the Blue Ridge Sanatorium, at Charlottesville, to be paid only out of the special revenues collected or received for the use of said Blue Ridge Sanatorium and paid into the State treasury, and not out of the general fund of the State treasury .....$110,150 each year.		
Catawba Sanatorium, Near Salem		
Item 378		
For maintenance and operation of the Catawba Sanatorium, near Salem.....	$ 768,405	$ 787,480
Item 379		
For maintenance and operation of the Catawba Sanatorium, near Salem, to be paid only out of the special revenues collected or received for the use of said Catawba Sanatorium, and paid into the State treasury, and not out of the general fund of the State treasury .....$72,500 each year.		
Piedmont Sanatorium, at Burkeville		
Item 380		
For maintenance and operation of the Piedmont Sanatorium, at Burkeville.....	$ 1,052,460	$ 1,061,270
Items 381-382		
For maintenance and operation of the Piedmont Sanatorium, at Burkeville, to be paid only out of the special revenues collected or received for the use of said Piedmont Sanatorium, and paid into the State treasury, and not out of the general fund of the State treasury .....$16,500 each year.		
Total for the Department of Health.....	$ 9,349,830	$ 9,392,380

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DEPARTMENT OF WELFARE AND INSTITUTIONS

Central Activities

It is provided that the amounts estimated and set forth in Items 384, 386, 388, 393, 395, 397 and 400 are appropriated from special revenues collected or received for the use of the Department of Welfare and Institutions and paid into the State treasury, and such amounts shall not be paid from the general fund.

	First Year	Second Year
Item 383		
For expenses of administration of the Department of Welfare and Institutions	$ 163,950	$ 158,835
Out of this appropriation shall be paid the following salary:		
Commissioner $12,500		
Item 384		
For expenses of administration $135,000 the first year, and $138,000 the second year, from special revenues.		
Item 385		
For general welfare activities	$ 221,475	$ 225,690
Item 386		
For general welfare activities $199,330 the first year, and $200,885 the second year, from special revenues.		
Item 387		
For youth service activities	$ 207,570	$ 213,025
Item 388		
For youth service activities $100,670 the first year, and $99,115 the second year, from special revenues.		
Item 389		
For correction activities	$ 64,820	$ 65,980
Item 390		
For parole activities	$ 577,900	$ 608,100
Out of this appropriation the following salaries shall be paid:		
Director of Parole $11,000		
Member of Board $11,000		
Member of Board $11,000		
It is provided that the limitation of $1,300 heretofore applicable to the maximum expenses of probation and parole officers be continued in the same amount.		
Item 391		
For administration of Merit System	$ 10,500	$ 10,500
Item 392		
For old age assistance	$ 1,266,800	$ 1,240,000
Item 393		
For old age assistance $4,942,000 the first year, and $4,837,200 the second year, from special revenues.		
Item 394		
For aid to dependent children	$ 1,143,200	$ 1,162,600

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	First Year	Second Year
Item 395		
For aid to dependent children.....$6,336,700 the first year, and $6,444,250 the second year, from special revenues.		
Item 396		
For aid to the permanently and totally disabled.....	$ 625,500	$ 645,700
Item 397		
For aid to the permanently and totally disabled...$2,104,000 the first year, and $2,297,000 the second year, from special revenues.		
Item 398		
For general relief	$ 570,500	$ 570,500
Item 399		
For administration and services.....	$ 820,800	$ 870,000
The appropriation made by this item and by Item 400 shall be expended, under regulations of the State Board of Welfare and Institutions, to reimburse county and city public welfare boards pursuant to § 63-106 of the Code of Virginia and, subject to the same percentage limitations, for other administrative services performed by county and city public welfare boards and superintendents of public welfare pursuant to other provisions of the Code of Virginia.		
Item 400		
For administration and services.....$1,003,250 the first year, and $1,063,450 the second year, from special revenues.		
Item 401		
For foster care for children.....	$ 1,103,000	$ 1,171,000
The State Board of Welfare and Institutions shall ascertain the amount of expenditures so made and the Commissioner shall monthly reimburse each county and city public welfare board in an amount not less than 50 per cent, nor more than 62½ per cent, for boarding of children under care pursuant to §§ 63-73, 63-96, 16.1-178(2), 16.1-210, and 16.1-211, of the Code of Virginia.		
Item 402		
For hospitalization of the indigent and medically indigent...	$ 957,000	$ 957,000
This appropriation of $957,000 each year shall be expended in accordance with the provisions of Chapter 15 of Title 32 of the Code of Virginia, as amended. Seven hundred and fifty thousand ($750,000) dollars shall be allocated to the counties and cities on the basis of population and the remainder shall be set aside as a reserve fund for expenditure as provided in said Chapter.		
Item 403		
For reimbursing in an amount of 50 per cent for expenditures made by Juvenile and Domestic Relations Courts in counties and cities for salaries of probation officers appointed in the manner provided for, and pursuant to § 16.1-206 of the Code of Virginia.....	$ 192,000	$ 199,600
Item 404		
For support of feeble-minded children.....	$ 19,500	$ 19,500

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	First Year	Second Year
Item 405		
For in-service training for Welfare personnel and for scholarships	$ 17,000	$ 17,000

Item 405-A

For support of children committed to the State Board of Welfare and Institutions, from funds and balances of funds made available for such children by parents or other persons, insurance, or other sources, and not out of the general fund of the State treasury, pursuant to § 63-293.2 of the Code of Virginia, a sum sufficient.

Item 406

There is hereby reappropriated out of the unexpended balance in the fund for Shenandoah National Park Family Removal Project, the sum of $5,000 for each year of the current biennium for continuation of the said Shenandoah National Park Family Removal Project.

Item 407

For expenditure pursuant to the provisions of §§ 63-109 to 63-111, inclusive, of the Code of Virginia, all monies deducted from funds otherwise payable out of the State treasury to the counties and cities pursuant to the provisions of §§ 63-135 and 63-136, and §§ 63-157 and 63-158 of the Code of Virginia.

Item 408

It is hereby expressly provided that none of the provisions of any item of this act, nor of any item or provision of any other act or statute of this State heretofore enacted, or enacted at this session of the General Assembly, shall be interpreted or construed as authorizing the Department of Welfare and Institutions, or any other agency of the State, or of any of its political subdivisions, to make any expenditure of State funds, or to receive or be paid any reimbursement from any State funds or out of any funds in the State treasury, save out of funds actually appropriated for that purpose; nor shall any appropriation or legislative enactment of this or any preceding session of the General Assembly be considered or construed as imposing any obligation whatsoever, moral or legal, upon this General Assembly, or upon any future General Assembly, to make additional appropriation or provide reimbursement funds for localities or for any other purpose in connection with the Department of Welfare and Institutions save the funds actually appropriated for such purpose or purposes at this session.

Total for Central Activities	$ 7,961,515	$ 8,135,030

Bon Air School for Girls, at Bon Air

Item 409		
For maintenance and operation of the Bon Air School for Girls, at Bon Air	$ 233,780	$ 240,430

Beaumont School for Boys, at Beaumont

Item 410		
For maintenance and operation of the Beaumont School for Boys, at Beaumont	$ 447,415	$ 455,035

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Janie Porter Barrett School for Girls, at Peaks

Item 411	First Year	Second Year
For maintenance and operation of the Janie Porter Barrett School for Girls, at Peaks	$ 192,280	$ 192,655

Hanover School for Boys, at Hanover

Item 412		
For maintenance and operation of the Hanover School for Boys, at Hanover	$ 397,250	$ 407,550

Study Home for White Boys

Item 413		
For maintenance and operation of the Study Home for White Boys, in Chesterfield County	$ 86,205	$ 87,245

The Penitentiary, at Richmond

Item 414

For maintenance and operation of the Penitentiary, at Richmond ..... $ 1,396,120 $ 1,406,690

Out of this appropriation there is hereby appropriated:

For per diem allowance to prisoners a sum sufficient, estimated at ..... $68,000 each year.

Item 415

For transportation of prisoners	$ 8,500	$ 8,500
Total for the Penitentiary, at Richmond	$ 1,404,620	$ 1,415,190

The Penitentiary, at Richmond, Industrial Department

Item 416

For maintenance and operation of the industrial department of the Penitentiary, at Richmond, to be paid only out of the special revenues collected or received from the operation of said industrial department and paid into the State treasury and not out of the general fund of the State treasury, a sum sufficient, estimated at ..... $2,114,150 the first year, and $2,252,400 the second year.

State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm

Item 417

For maintenance and operation of the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm ..... $ 1,289,680 $ 1,272,705

Out of this appropriation there is hereby appropriated:

For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at ..... $48,000 the first year, and $50,000 the second year.

It is hereby provided that the appropriations herein made for the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, are inclusive of all funds which the said State Penitentiary Farm and State Prison Farm for Defective Misdemeanants would otherwise be entitled to receive during each year of the current biennium, for the purposes stated in the said items, either out of the

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	First Year	Second Year
appropriation for criminal charges or otherwise out of the general fund of the State treasury, any provisions of § 53-98 of the Code of Virginia to the contrary notwithstanding.		
Southampton Penitentiary Farm, at Capron		
Item 418		
For maintenance of the prison department	$ 403,670	$ 409,765
Out of this appropriation there is hereby appropriated:		
For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $19,000 each year.		
Item 419		
For operation of farm	$ 95,400	$ 91,900
Item 420		
For operation of brick and solite plants	$ 8,640	$ 8,640
Total for Southampton Penitentiary Farm, at Capron	$ 507,710	$ 510,305
State Industrial Farm for Women, at Goochland		
Item 421		
For treatment and care of delinquent women	$ 571,320	$ 598,895
Out of this appropriation there is hereby appropriated:		
For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $15,000 each year.		
It is hereby provided that the appropriation herein made for the State Industrial Farm for Women by this item is inclusive of all funds which the said State Industrial Farm for Women would otherwise be entitled to receive during each year of the current biennium for the purposes stated in the said items, either out of the appropriation for criminal charges or otherwise out of the general fund of the State treasury, any provisions of § 53-98 of the Code of Virginia to the contrary notwithstanding.		
Item 422		
For board and care of infant children of inmates of the State Industrial Farm for Women	$ 1,500	$ 1,500
Item 422-A		
For operation of greenhouse	$ 10,340	$ 10,340
Item 423		
For maintenance and operation of central laundry number 1, a sum sufficient, estimated at	$ 144,400	$ 146,500
Total for State Industrial Farm for Women, at Goochland	$ 727,560	$ 757,235
Bland Correctional Farm, at White Gate		
Item 424		
For maintenance of the prison department	$ 344,858	$ 347,936
Out of this appropriation there is hereby appro-		

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	First Year	Second Year
priated: For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at ..... $15,400 each year.		
Item 425 For operation of farm	$ 63,585	$ 66,715
Item 426 For operation of lime plant, to be paid only out of the special revenues derived from the operation of the lime plant and paid into the State treasury and not out of the general fund of the State treasury..... $15,460 the first year, and $15,585 the second year.		
Total for Bland Correctional Farm, at White Gate	$ 408,448	$ 414,651

Item 427

No assignment to any person or persons, firm, company, corporation, or agency whatsoever, made by any inmate of a State penal institution, of any money or credit received by such inmate, or to which he may become entitled under this act, as a per diem allowance for work performed by such inmate, shall be valid, and any such assignment is hereby expressly prohibited.

State Convict Road Force

Item 428

For the work of the State Convict Road Force, in accordance with the applicable provisions of § 53-58, §§ 53-61 through 53-73, inclusive, §§ 53-100 through 53-123, inclusive, and § 53-109, § 53-109.1, and § 53-221, of the Code of Virginia, to be paid only out of the money paid to the Director of the Department of Welfare and Institutions by the State Highway Commissioner for the labor of convicts employed on the State highway primary and secondary systems and work incidental thereto, including relocation and moving of Convict Road Camps, at local hourly rates for such labor, determined in accordance with the provisions of the aforesaid § 53-109.1 of the Code of Virginia, said payments to be made only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury, a sum sufficient, estimated at ..... $2,794,500 each year.

Item 429

For maintenance and operation of the State Convict Road Force, to be paid only out of revenues collected by the State Convict Road Force in addition to revenues received from the Department of Highways, and not out of the general fund of the State treasury, a sum sufficient, estimated at ..... $249,565 the first year, and $289,325 the second year.

Item 430

All revenues collected from any source by the State Convict Road Force shall be paid promptly and direct-

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	First Year	Second Year
ly into the State Convict Road Force maintenance fund; any funds remaining to the credit of the State Convict Road Force maintenance fund at the close of the biennium shall be paid into the State highway maintenance and contribution fund.		
Total for the Department of Welfare and Institutions	$13,656,458	$13,888,031

VIRGINIA COMMISSION FOR THE VISUALLY HANDICAPPED

Item 431

For expenses of administration of the Virginia Commission for the Visually Handicapped ..... $ 42,700 $ 39,600

Item 432

For conservation of vision and rehabilitation ..... $ 160,300 $ 162,600

Item 433

For conservation of vision and rehabilitation, to be paid only out of special revenues to be collected by Virginia Commission for the Visually Handicapped, and paid into the State treasury, and not out of the general fund of the State treasury ..... $50,000 each year.

Item 434

For operation of workshop for the blind ..... $ 48,500 $ 52,100

Item 435

For operation of workshop for the blind, to be paid only out of special revenues derived from the operation of said shop and paid into the State treasury, and not out of the general fund of the State treasury, the amount of such special revenues estimated at ..... $264,000 each year.

Item 436

For aid to the blind ..... $ 163,950 $ 164,300

Item 437

For aid to the blind, to be paid only out of funds received from the Federal government for aid to the blind, and paid into the State treasury, and not out of the general fund of the State treasury, estimated at ..... $564,000 the first year, and $565,000 the second year.

Item 438

For vocational rehabilitation of the blind ..... $ 40,500 $ 40,700

Item 439

For vocational rehabilitation of the blind, to be paid only out of funds received from the Federal government for such vocational rehabilitation, and paid into the State treasury, and not out of the general fund of the State treasury ..... $80,900 the first year, and $81,400 the second year.

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	First Year	Second Year
Item 440		
For expenditure pursuant to the provisions of § 63-108 of the Code of Virginia, all monies deducted from funds otherwise payable out of the State treasury, to the counties and cities pursuant to the provisions of §§ 63-199 and 63-200, of the Code of Virginia, and all monies paid into the State treasury pursuant to § 63-193 of the Code of Virginia.		
Total for the Virginia Commission for the Visually Handicapped	$ 455,950	$ 459,300

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

State Hospital Board

Item 441		
For general supervision, administration and control of the several State mental hospitals and the State training schools and hospitals	$ 206,770	$ 206,700
It is hereby provided, with the approval of the Governor first obtained, that out of this appropriation a sum not to exceed $10,000 each year may be expended to conduct research in mental health.		
Out of this appropriation the following salary shall be paid:		
Commissioner of mental hygiene and hospitals $17,000		
Item 442		
For mental hygiene clinics	$ 393,000	$ 391,000
Item 443		
For mental hygiene clinics to be paid only out of special revenues, including Federal aid, collected and paid into the State treasury for the said mental hygiene clinics, and not out of the general fund of the State treasury $400,000 the first year, and $415,000 the second year.		
Item 444		
It is hereby provided that the appropriations herein made by Items 442 and 443 for mental hygiene clinics shall not be available for expenditure, either in whole or in part, unless the amounts allocated to the various mental hygiene clinics are based, as nearly as practicable, on a uniform ratio, for each clinic, of State and Federal funds combined to local funds.		
Item 445		
For operation of Mobile Psychiatric Clinic	$ 50,300	$ 50,600
Item 446		
For collecting cost of care and treatment of patients	$ 89,400	$ 89,250
Total for the State Hospital Board	$ 739,470	$ 737,550

Central State Hospital, at Petersburg

Item 447		
For maintenance and operation of the Central State Hospital, at Petersburg	$ 5,182,940	$ 5,251,560
Item 448		
For providing meals for staff and employees	$ 27,000	$ 27,000
Total for the Central State Hospital, at Petersburg	$ 5,209,940	$ 5,278,560

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Petersburg Training School and Hospital, at Petersburg

	First Year	Second Year
Item 449		
For maintenance and operation of the Petersburg Training School and Hospital, at Petersburg	$ 304,590	$ 534,880
Item 450		
For providing meals for staff and employees	$ 955	$ 1,520
Total for the Petersburg Training School and Hospital, at Petersburg	$ 305,545	$ 536,400

Eastern State Hospital, at Williamsburg

Item 451		
For maintenance and operation of the Eastern State Hospital, at Williamsburg	$ 2,770,320	$ 2,827,680
Item 452		
For providing meals for staff and employees	$ 37,200	$ 37,670
Total for the Eastern State Hospital, at Williamsburg	$ 2,807,520	$ 2,865,350

Southwestern State Hospital, at Marion

Item 453		
For maintenance and operation of the Southwestern State Hospital, at Marion	$ 1,955,320	$ 1,994,960
It is provided that out of this appropriation there is hereby appropriated: For payment to Fire Department of Town of Marion $180		
Item 454		
For providing meals for staff and employees	$ 30,000	$ 30,000
Total for the Southwestern State Hospital, at Marion	$ 1,985,320	$ 2,024,960

Western State Hospital, at Staunton

Item 455		
For maintenance and operation of the Western State Hospital, at Staunton	$ 3,355,745	$ 3,540,200
Item 456		
For providing meals for staff and employees	$ 45,000	$ 45,000
Total for the Western State Hospital, at Staunton	$ 3,400,745	$ 3,585,200

DeJarnette State Sanatorium, at Staunton

Item 457

For maintenance and operation of the DeJarnette State Sanatorium, at Staunton, in accordance with the provisions of §§ 37-17 as amended and 37-18 through 37-22, inclusive, of the Code of Virginia, to be paid only out of the special revenues collected or received from the operation of said sanatorium and paid into the State treasury, and not out of the general fund of the State treasury $498,300 the first year, and $503,600 the second year.

Lynchburg Training School and Hospital, at Colony

Item 458		
For maintenance and operation of the Lynchburg Training School and Hospital, at Colony	$ 3,267,350	$ 3,327,385

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	First Year	Second Year
Item 459		
For providing meals for staff and employees	$ 29,500	$ 29,500
Total for the Lynchburg Training School and Hospital, at Colony	$ 3,296,850	$ 3,356,885
Total for the Department of Mental Hygiene and Hospitals	$17,745,390	$18,384,905

MISCELLANEOUS ACTIVITIES

Virginia Historical Society (Battle Abbey), at Richmond

Item 460		
For the Virginia Historical Society (Battle Abbey), at Richmond	$ 3,000	$ 3,000

Richmond Historical Foundation, Incorporated

Item 460-A		
For aid in the restoration of the St. John's Church area	$ 5,000	

Confederate Museum, at Richmond

Item 461		
For the care of Confederate collections and the maintenance of the Virginia room at the Confederate Museum, at Richmond	$ 1,800	$ 1,800

Valentine Museum, at Richmond

Item 462		
For the Valentine Museum, for shipment of exhibits to the public schools of Virginia	$ 5,000	$ 5,000

Woodrow Wilson Birthplace Foundation, Incorporated

Item 463		
For aid in the maintenance of the Woodrow Wilson home at Staunton, Virginia	$ 5,000	$ 5,000

Robert E. Lee Memorial Foundation, Incorporated

Item 464		
For aid in further development of "Stratford"	$ 20,000	$ 20,000

Virginia Home for Incurables, at Richmond

Item 465		
For the Virginia Home for Incurables, at Richmond, for care of incurables	$ 39,000	$ 39,000

Atlantic Rural Exposition, Incorporated

Item 466		
For the Atlantic Rural Exposition, Inc., for providing State premiums, which is to be applied toward the payment of said premiums upon the agricultural, horticultural, livestock and poultry exhibits to be offered in the name of the Commonwealth of Virginia at the annual exhibitions of said association	$ 25,000	$ 25,000

It is provided that the Governor of Virginia, and four others, to be appointed by him, two from the State Board of Agriculture and Immigation and two from the board of directors of the Atlantic Rural

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	First Year	Second Year
Exposition, Inc., shall constitute a committee of five to determine the number, amount and character of premiums provided for in this appropriation of $25,000. The members of said committee shall receive no compensation for their services. It is provided, further, that the appropriation of $25,000 hereby made be subject to payment of the Atlantic Rural Exposition, Inc., upon order of the committee herewith provided for, by warrant of the chairman.		
Barter Theatre		
Item 467		
For aid in the operation of the Barter Theatre	$ 15,000	$ 15,000
Virginia Institute of Scientific Research		
Item 468		
For promoting basic and applied research in the natural sciences	$ 20,000	$ 20,000
Civil Air Patrol		
Item 469		
For Civil Air Patrol	$ 10,000	$ 10,000
Virginia State Library		
Item 470		
For erection of a marker describing the historical significance of the spot on Saylor's Creek Battlefield near Double Bridges where one of the last battles of the Civil War was fought and General Gordon's wagon trains were captured	$ 175	
Item 470-A		
For erecting a marker describing the historical significance of the site of Pope's Creek Episcopal Church in Westmoreland County	$ 175	
Item 470-B		
For erection of a marker describing the site where the first peanuts were grown in the United States, in Sussex County	$ 300	
Item 470-C		
For erecting highway historical marker to commemorate the site of the first church in Suffolk, Virginia	$ 150	
Item 470-D		
For erecting highway historical marker to commemorate the site of the founding of the first Ruritan Club at Holland, Virginia	$ 150	
Breaks Interstate Park Commission		
Item 471		
For the development and operation, jointly with the State of Kentucky, of the Breaks Interstate Park	$ 9,250	$ 9,250
Total for miscellaneous activities	$ 159,000	$ 153,050
Total from general fund for recurring maintenance and operation	$178,242,447	$189,714,366

2. This Act is in force from its passage.

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CHAPTER 4

AN ACT to amend the Code of Virginia by adding in Title 18 thereof new sections numbered 18-151.1, 18-151.2, 18-151.3, 18-151.4 and 18-151.5, to make unlawful a threat to bomb, burn, destroy or in any manner damage buildings, structures, dwelling houses, or means of public transportation; to make unlawful the communication of false information as to the existence of any peril of bombing, burning, destruction or damage to such buildings, structures, dwelling houses or means of transportation; to make it unlawful to cause, encourage, incite, entice or solicit any person to communicate any such threat or false information, and to provide penalties for violations.

[H 3]

Approved February 3, 1959

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 18 thereof new sections numbered 18-151.1, 18-151.2, 18-151.3, 18-151.4 and 18-151.5 to read as follows:

§ 18-151.1. Any person fourteen years of age or over who makes and communicates to another, whether by writing, telephone, telegraph or other means, any threat to bomb, burn, destroy or in any manner damage any school building, church, meeting house, store building, factory, place of assembly, or any building, structure, or dwelling house, or aircraft, motor vehicle, or other means of public transportation, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than ten years or in the discretion of the court or jury trying the case be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

§ 18-151.2. Any person under the age of fourteen years who makes and communicates to another, whether by writing, telephone, telegraph, or other means, any threat to bomb, burn, destroy or in any manner damage any school building, church, meeting house, store building, factory, place of assembly, or any building, structure, or dwelling house, or aircraft, motor vehicle or other means of public transportation, shall be guilty of a misdemeanor.

§ 18-151.3. Any person fourteen years of age or over who communicates to another, whether by writing, telephone, telegraph or other means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any school building, church, meeting house, store building, factory, place of assembly, or any building, structure, or dwelling house, or aircraft, motor vehicle, or other means of public transportation, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than ten years or in the discretion of the court or jury trying the case be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

§ 18-151.4. Any person under the age of fourteen years who communicates to another, whether by writing, telephone, telegraph, or other means, information knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any school building, church, meeting house, store building, factory, place of assembly, or any building, structure, or dwelling house, or aircraft, motor vehicle, or other means of public transportation, shall be guilty of a misdemeanor.

§ 18-151.5. Any person fourteen years of age or over, including the parent of any child, who shall cause, encourage, incite, entice or solicit

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any person, including a child, to commit any act proscribed by the provisions of §§ 18-151.1, 18-151.2, 18-151.3 or 18-151.4, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than ten years or, in the discretion of the court or jury trying the case be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

2. An emergency exists and this act is in force from its passage.

CHAPTER 5

AN ACT to authorize the Governor to execute, on behalf of the Commonwealth, a certain compact with the State of Maryland, said compact relating to the conservation and improvement of the fishery resources of the tidewater portion of the Potomac River; to the establishment of The Potomac River Fisheries Commission, and the jurisdiction, powers, duties and functions thereof; to the financing of said commission; and to the effect of said compact on existing laws and on the compact between the Commonwealth of Virginia and the State of Maryland entered into in 1785.

[H 4]

Approved February 3, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. The Governor is hereby authorized and directed to execute, on behalf of the Commonwealth of Virginia, a compact with the State of Maryland, which compact shall be in form substantially as follows:

ARTICLE I. COMMISSION—MEMBERSHIP AND ORGANIZATION

Section 1—Commission Created

The Potomac River Fisheries Commission, hereinafter designated as "Commission", is hereby created.

Section 2—Members

The Commission shall consist of six members, three from Maryland and three from Virginia. The Maryland members shall be the members of the Tidewater Fisheries Commission of Maryland or its successor agency and the Virginia members shall be the members of the Virginia Fisheries Commission or its successor agency. If the membership of either of the respective State Commissions exceeds three, then the three Commission members from that state shall be selected by the Governor thereof from the members of the State Commission; and if the membership of either of the respective State Commissions is less than three, the three Commission members from that state shall be the member or members of the State Commission, and such additional person or persons who shall be appointed by the Governor, as may be necessary to constitute a total of three Commissioners.

Section 3—Term, Vacancies

The term of Commissioners who are members of their respective State Commissions shall be coterminous with their term on their State Commission. The term of Commissioners who are not members of their State Commission shall be four years. Vacancies on the Commission shall be filled by appointment of the Governor of the state entitled to fill the vacancy, except that where the State Commission has three members, the person filling a vacancy on the State Commission shall *ex officio* become a member of the Commission.

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Section 4—Chairman

The Chairman of the Commission shall alternate from year to year between representatives of Maryland and Virginia. Subject to such alternation, the Chairman shall be elected by the Commissioners for a term of one year.

Section 5—Compensation, Expenses

Commissioners shall be entitled to receive from the General Fund of the Commission compensation of twenty-five dollars ($25.00) for each day or portion thereof spent in the performance of their duties, and reimbursement for reasonable expenses incident to the performance of their duties.

Section 6—Meetings, Quorum

Commission meetings shall be held at least once each quarter, and at such other times as the Commission may determine. Four members shall clerical, scientific, and legal personnel as it deems necessary. The powers, constitute a quorum for the transaction of business.

Section 7—Office and Employees

The Commission shall establish and maintain an office at such locations as it may select, and may employ an Executive Secretary who shall serve at the pleasure of the Commission, and such other administrative, duties and compensation of all employees shall be as prescribed by the Commission, and the employees shall not be subject to the provisions of Article 64A of the Annotated Code of Maryland nor to the provisions of the Virginia Personnel Act, as the same may be from time to time in effect. The Commission may extend to any employee or employees membership in the Virginia Supplemental Retirement System or the Maryland Employees' Retirement System, whichever is applicable, subject to the laws relating to each such retirement system.

ARTICLE II. JURISDICTIONAL BOUNDARIES

The territory in which the Potomac River Fisheries Commission shall have jurisdiction shall be those waters of the Potomac River enclosed within the following described area:

Beginning at the intersection of mean low water mark at Point Lookout and an established line running from Smiths Point to Point Lookout, marking Chesapeake Bay waters; thence following the mean low water line of the shore northwesterly across the respective mouths of all creeks to Gray Point at the westerly entrance into Rowley Bay; thence in a straight line northwesterly to the southerly extremity of Kitts Point; thence along the mean low water line to the southwesterly point of St. Inigoes Neck; thence in a straight line westerly to the most easterly point of St. Georges Island; thence following the mean low water line in a general northwesterly direction, across the respective mouths of all creeks and inlets to the southwesterly point of Huggins Point; thence in a straight line southwesterly to the eastern extremity of the sand bar known as Heron Island; thence northwesterly following the ridge of Heron Island Bar to its westerly extremity; thence southwesterly in a straight line to the most southerly point of Blackiston Island; thence in a straight line northwesterly to the southern extremity of Colton's Point; thence following the mean low water line, westerly, excluding all creeks and inlets, to the point marking the southeasterly entrance into St. Catherine Sound; thence westerly in a straight line to the southern extremity of St. Catherine Island Sandbar; thence northwesterly, along the westerly edge of said sand bar continuing along the mean low water line of the southwesterly side of St. Catherine Island to the northwesterly point of said island; thence westerly in a straight line to Cobb Point Bar Lighthouse; thence northwesterly along the ridge of Cobb Point Sandbar to the southerly extremity of Cobb Point; thence following the mean low water line

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in general northwesterly and northerly directions across the respective mouths of all creeks and inlets to a point at the easterly entrance into Port Tobacco River, due east of Windmill Point; thence in a straight line westerly to Windmill Point; thence southwesterly following the mean low water line across the respective mouths of all creeks and inlets to Upper Cedar Point; thence southwesterly in a straight line across the mouth of Nanjemoy Creek to a point on shore at the village of Riverside; thence following the mean low water line, southwesterly, northwesterly and northerly, across the respective mouths of all creeks and inlets to Smith Point; thence northerly in a straight line to Liverpool Point; thence northerly in a straight line to Sandy Point; thence following the mean low water line northerly, across the respective mouths of all creeks and inlets to Moss Point; thence northerly in a straight line across Chicamuxen Creek to the southernmost point of Stump Neck; thence following the mean low water line northeasterly, across the respective mouths of all creeks and inlets, to a point at the southerly entrance into Mattawoman Creek; thence in a straight line northeasterly across the mouth of Mattawoman Creek to the southwesterly point of Cornwallis Neck; thence following the mean low water line northeasterly, across the respective mouths of all creeks and inlets, to Chapman Point; thence in a straight line northeasterly to Pomonkey or Hollis Point; thence following the mean low water line in a northerly direction across the respective mouths of all creeks and inlets, to a point on Marshall Hall shore, due south of Ferry Point; thence northeasterly in a straight line to Bryan Point; thence northeasterly in a straight line to the northwest extremity of Mockley Point; thence northeasterly in a straight line to Hatton Point; thence northerly in a straight line to the southwesternmost point of Indian Queen Bluff; thence following the mean low water line northerly across the respective mouths of all creeks and inlets, to Rosier Bluff Point; thence in a straight line northerly to the intersection with the District of Columbia line at Fox Ferry Point; thence following the boundary line of the District of Columbia southwesterly to a point on the lower or southern shore of the Potomac River, said point being the intersection of the boundary line of the Commonwealth of Virginia with the boundary line of the District of Columbia; thence following the mean low water line of the Potomac River on the southern, or Virginia shore, as defined in the Black-Jenkins Award of 1877 and as laid out in the Matthews-Nelson Survey of 1927, beginning at the intersection of the Potomac River and the District of Columbia line at Jones Point and running to Smiths Point; and thence in a straight line across the mouth of the Potomac River on the established line from Smiths Point to Point Lookout, to the mean low water mark at Point Lookout, the place of beginning.

ARTICLE III. COMMISSION POWERS AND DUTIES

Section 1—Oyster Bars

The Commission shall make a survey of the oyster bars within its jurisdiction and may reseed and replant said oyster bars as may from time to time be necessary.

Section 2—Fish and Seafood

The Commission may by regulation prescribe the type, size and description of all species of finfish, crabs, oysters, clams and other shellfish which may be taken or caught within its jurisdiction, the places where they may be taken or caught, and the manner of taking or catching.

Section 3—Research

The Commission shall maintain a program of research relating to the conservation and repletion of the fishery resources within its jurisdiction, and to that end may cooperate and contract with scientists and public and private scientific agencies engaged in similar work, and may purchase,

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construct, lease, borrow or otherwise acquire by any lawful method such property, structures, facilities, or equipment as it deems necessary.

Section 4—Licenses

(a) The Commission shall issue such licenses as it may prescribe which shall thereupon be required for the taking of finfish, crabs, oysters, clams, or other shellfish from the waters within the jurisdiction of the Commission, and for boats, vessels and equipment used for such taking. Recognizing that the right of fishing in the territory over which the Commission shall have jurisdiction is and shall be common to and equally enjoyed by the citizens of Virginia and Maryland, the Commission shall make no distinction between the citizens of Virginia or Maryland in any rule, regulation or the granting of any licenses, privileges, or rights under this Compact.

(b) Licenses for the taking of oysters and clams and the commercial taking of finfish and crabs within the jurisdiction of the Commission shall be granted only to citizens of Maryland or Virginia who have resided in either or both states for at least twelve months immediately preceding the application for the license. Within six months after the effective date of this Compact, the Commission shall adopt a schedule of licenses, the privileges granted thereby, and the fees therefor, which may be modified from time to time in the discretion of the Commission.

(c) The licenses hereby authorized may be issued at such places, by such persons, and in accordance with such procedures as the Commission may determine.

Section 5—Expenditures

The Commission is authorized to expend funds for the purposes of general administration, repletion of the fish and shellfish in the Potomac River, and the conservation and research programs authorized under this Compact, subject to the limitations provided in this Compact.

Section 6—Grants, Contributions, Etc.

The Commission is authorized to receive and accept (or to refuse) from any and all public and private sources such grants, contributions, appropriations, donations, and gifts as may be given to it, which shall be paid into and become part of the General Fund of the Commission, except where the donor instructs that it shall be used for a specific project, study, purpose, or program, in which event it shall be placed in a special account, which shall be administered under the same procedure as that prescribed for the General Fund.

Section 7—Cooperation of State Agencies

The Commission may call upon the resources and assistance of the Virginia Fisheries Laboratory, the Maryland Department of Research and Education, and all other agencies, institutions, and departments of Maryland and Virginia which shall cooperate fully with the Commission upon such request.

Section 8—Regulations

The Commission shall have the power to make, adopt and publish such rules and regulations as may be necessary or desirable for the conduct of its meetings, such hearings as it may from time to time hold, and for the administration of its affairs.

Section 9—Inspection Tax

The Commission may impose an inspection tax, in an amount as fixed from time to time by the Commission, not exceeding 25¢ per bushel, upon all oysters caught within the limits of the Potomac River. The tax shall be paid by the buyer at the place in Maryland or Virginia where the oysters are unloaded from vessels and are to be shipped no further in bulk in vessel, to an agent of the Commission, or to such officer or employee of the Virginia Fisheries Commission or of the Maryland Depart-

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ment of Tidewater Fisheries, as may be designated by the Commission, and by him paid over to the Commission.

ARTICLE IV. COMMISSION REGULATIONS—PROCEDURE AND REVIEW

Section 1—Notice, Hearing, Vote

No regulation shall be adopted by the Commission unless: (a) a public hearing is held thereon, (b) prior to the hearing the Commission has given notice of the proposed regulation by publication thereof at least once a week for three successive weeks in at least one newspaper published, or having a general circulation in each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction, the first such publication to be at least thirty days but not more than 45 days prior to the date of the hearing; (c) a copy of the proposed regulation is mailed at least 30 days but not more than 45 days prior to the hearing, to the clerk of the court of each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction, who shall post the same in a conspicuous place at or in the courthouse; and (d) the regulation is approved by at least four members of the Commission.

Section 2—Recording, Effective Date

(a) Regulations of the Commission shall be exempt from the provisions of Chapter 1.1 of Title 9 of the Code of Virginia (1950 Edition, as amended from time to time), and of Section 9 of Article 41 of the Annotated Code of Maryland (1957 Edition, as amended from time to time). Copies of Commission regulations shall be kept on public file and available for public reference in the offices of the Commission, the office of the clerk of court in each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction, the office of the Virginia Division of Statutory Research and Drafting, the office of the Maryland Department of Legislative Reference, the office of the Virginia Fisheries Commission, and the office of the Maryland Department of Tidewater Fisheries.

(b) No regulation of the Commission shall become effective until thirty (30) days after the date of its adoption, or such later date as may be fixed by the Commission.

Section 3—Review

Any person aggrieved by any regulation or order of the Commission may at any time file a petition for declaratory judgment with respect to the validity or construction thereof, in the circuit court of any county in Maryland or Virginia contiguous to the waters within the Commission's jurisdiction. A review of the final judgment of the circuit court may be appealed to the court of highest appellate jurisdiction of the state in accordance with the rules or laws of procedure in such state.

Section 4—Revision by Legislative Action

Regulations of the Commission may be amended, modified, or rescinded by joint enactment of the General Assembly of Maryland and the General Assembly of Virginia.

ARTICLE V. ENFORCEMENT OF LAWS AND REGULATIONS: PENALTIES

Section 1—Responsibility for Enforcement

The regulations and orders of the Commission shall be enforced by the law enforcement agencies and officers of Maryland and Virginia.

Section 2—Penalties

The violation of any regulation of the Commission shall be a misdemeanor. Unless a lesser punishment is provided by the Commission, such violation shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or confinement in a penal institution for not more than one (1) year, or both, in the discretion of the court, and any vessel, boat,

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or equipment used in the taking of finfish, crabs, oysters, clams, or other shellfish from the Potomac River in violation of any regulation of the Commission or of applicable laws may be confiscated by the court, upon the abandonment thereof or the conviction of the owner or operator thereof.

Section 3—Jurisdiction of Court

The officer making an arrest or preferring a charge for violation of a regulation of the Commission or an applicable state law respecting the waters within the Commission's jurisdiction shall take the alleged offender to a court of competent jurisdiction in either State, in a county adjacent to the portion of the Potomac River where the alleged offense occurred, which shall thereupon have jurisdiction over the offense.

Section 4—Disposition of Fines and Forfeitures

All fines imposed for violation of regulations of the Commission or applicable state laws respecting the waters within the Commission's jurisdiction shall be paid into the court in which the case is prosecuted, and accounted for under the laws applicable to that court. Any property confiscated under the provisions of this Compact shall be turned over to the Commission, which may retain, use or dispose of it as it deems best.

ARTICLE VI. COMMISSION FINANCES

Section 1—Budget

The Commission shall approve and adopt a proposed annual budget showing estimated income, revenues, appropriations, and grants from all sources, and estimated necessary expenditures and shall send a copy thereof to the Governors of Maryland and Virginia.

Section 2—Appropriations

The said Governors shall place in the proposed Budget of their respective states for each year the sum of not less than twenty-five thousand dollars ($25,000.00) for the expenses and the other purposes of the Commission for that year; and the General Assembly of each of the two states agrees to appropriate annually not less than this sum to the Commission.

Section 3—General Fund

(a) The General Fund shall consist of: (1) all income and revenue received from the issuance of licenses under this Compact; (2) the proceeds of the disposition of property confiscated pursuant to the provisions of this Compact; (3) the proceeds of the inspection tax upon oysters imposed pursuant to this Compact; and (4) the funds appropriated to the Commission by the two states.

(b) The General Fund of the Commission shall be kept in such bank or depository as the Commission shall from time to time select. The General Fund shall be audited annually by the Auditor of Public Accounts of Virginia and the State Auditor of Maryland acting jointly, and at such other times as the Commission may request.

ARTICLE VII. EFFECT ON EXISTING LAWS AND PRIOR COMPACT

Section 1—Existing Rights

The rights, including the privilege of erecting and maintaining wharves and other improvements, of the citizens of each State along the shores of the Potomac River adjoining their lands shall be neither diminished, restricted, enlarged, increased nor otherwise altered by this Compact, and the decisions of the courts construing that portion of Article VII of the Compact of 1785 relating to the rights of riparian owners shall be given full force and effect.

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Section 2—Existing Laws

The laws of the State of Maryland relating to finfish, crabs, oysters, and clams in the Potomac River, as set forth in Article 66C of the Annotated Code of Maryland and as in effect on December 1, 1958, shall be and remain applicable in the Potomac River except to the extent changed, amended, or modified by regulations of the Commission adopted in accordance with this Compact.

Section 3—Existing Licenses

The rights and privileges of licensees to take and catch finfish, crabs, oysters, clams, and other shellfish in the Potomac River, which are in effect at the time this Compact becomes effective, shall continue in force subsequent to the adoption of this Compact, subject to the power of the Commission, by regulation, to modify or abolish any class of licenses or the rights of any particular class of licensees.

ARTICLE VIII. EFFECT OF RATIFICATION

These articles shall be laid before the Legislatures of Virginia and Maryland, and their approbation being obtained, shall be confirmed and ratified by a law of each state, never to be repealed or altered by either, without the consent of the other.

ARTICLE IX. EFFECTIVE DATE

This Compact, which takes the place of the Compact of 1785 between Maryland and Virginia, shall take effect at the expiration of 60 days after the completion of the last act legally necessary to make it operative, and thereupon the said Compact of 1785 shall no longer have any force or effect.

§ 2. All governmental agencies of the Commonwealth of Virginia are authorized to cooperate with The Potomac River Fisheries Commission created by the compact approved by this Act, it being the policy of this Commonwealth to perform and carry out the compact and accomplish the purposes thereof.

§ 3. The compact approved herein and other provisions of this Act dependent thereon shall become effective upon the ratification and approval of the compact by the General Assembly of the State of Maryland and upon approval of this compact by the Congress of the United States.

2. An emergency exists and this act is in force from its passage.

CHAPTER 6

AN ACT to make it unlawful for any person to obtain, seek to obtain, expend, or seek to expend, any educational tuition grant for any purpose other than the education of the child for which such grant is sought or obtained, and to provide the punishment therefor.

[H 8]

Approved February 3, 1959

Be it enacted by the General Assembly of Virginia:

1. It shall be unlawful for any person to obtain, seek to obtain, expend, or seek to expend, any educational tuition grant for any purpose other than the education of the child for which such grant is sought or obtained. Violation hereof shall, except for offenses punishable under § 18-237 of the Code of Virginia, constitute a misdemeanor and shall be punishable as provided by law.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 7

AN ACT to authorize the Virginia Code Commission to expend certain appropriations in payment of a replacement volume for the Code of Virginia.

[H 11]

Approved February 3, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. With the consent of the Governor first obtained, the Virginia Code Commission is hereby authorized to expend such portions of the appropriations made by Chapters 466 and 503 of the Acts of Assembly of 1958, which appropriations were made to the Code Commission for revision of Titles 18 and 19, as may be necessary to provide for the purchase and distribution of a replacement volume to the Code of Virginia. The Commission shall certify to the Governor that this use of such appropriations will not impair the revision of Titles 18 and 19, the cost of such replacement volume being estimated at approximately eight thousand seven hundred dollars.

2. An emergency exists and this act is in force from its passage.

CHAPTER 8

AN ACT to proclaim May 1, 1959, a legal holiday in Fauquier County, Virginia.

[H 12]

Approved February 3, 1959

Whereas, the bicentennial anniversary of the establishment of Fauquier County, Virginia, will be celebrated on May 1, 1959, and it is appropriate that this event should be properly commemorated within such county; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Friday, May 1, 1959, is hereby declared to be a legal holiday as to the transaction of all business within the County of Fauquier, Virginia.

2. An emergency exists and this act is in force from its passage.

CHAPTER 9

AN ACT to amend and reenact § 6-51, as amended, of the Code of Virginia, relating to acquisition or loans on a bank's own stock; other investments or loans.

[H 13]

Approved February 3, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 6-51, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 6-51. Acquisition or loans on own stock; other investments or loans. —No bank shall acquire or own its own stock except to protect itself

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against loss from debts previously contracted, in which case it shall be disposed of within twelve months from the time acquired. No bank shall make loans collaterally secured by the stock of such bank. No bank shall invest any of its funds in shares of stock of any other corporation nor in any notes or other obligations secured by real estate on which as security it is prohibited by §§ 6-78 and 6-79 from making any loan; this provision shall not, however, prevent any bank, (1) from acquiring any such stock, notes or other obligations to protect itself or any fund in its custody or possession against loss from debts theretofore contracted, nor (2) from acquiring, owning and holding stock of a building corporation of the character and to the amount provided by § 6-49, nor (3) from acquiring, owning and holding stock of an agricultural credit corporation organized under the laws of this State, provided that the total amount of such stock shall not exceed twenty per centum of the amount of the capital stock of such bank actually paid in and unimpaired, plus the amount of its unimpaired surplus fund, nor (4) from acquiring, owning and holding stock of Federal National Mortgage Association, *nor (5) from acquiring, owning and holding stock of a Small Business Investment Company as defined by the Federal Small Business Investment Act of 1958;* nor shall the provisions hereof be construed to require a bank to dispose of any preferred stocks lawfully acquired as an investment prior to the first day of January, nineteen hundred and forty.

2. An emergency exists and this act is in force from its passage.

CHAPTER 10

AN ACT to amend and reenact § 46.1-155 of the Code of Virginia, relating to license fees for certain trailers.

[H 15]

Approved February 3, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-155 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-155. The fee for the certificate of registration and license plates to be paid to the Commissioner by the owner of a one or two wheel trailer with a body length of not more than nine feet and a width not greater than the width of the motor vehicle to which it is attached at any time of operation, to be attached to the owner's own motor vehicle and used only for carrying property belonging to the owner of such trailer, not to exceed one thousand pounds at any one time, *or any trailer having a body length of not more than sixteen feet which is designed and used exclusively for carrying boats,* shall be three dollars and fifty cents.

CHAPTER 11

AN ACT to amend and reenact § 2-20.1, as amended, of the Code of Virginia, relating to permissive Saturday closing by banks in certain counties and cities.

[H 16]

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Be it enacted by the General Assembly of Virginia:

1. That § 2-20.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 2-20.1. It shall be lawful for any bank as defined in § 6-6, including national banking associations and federal reserve banks, located in a county having a population of more than twenty-three thousand three hundred thirty and less than twenty-three thousand three hundred ninety, or in any city having a population of less than five thousand seven hundred, *or located in a city which is partly in one State and partly in another State,* or located in a city of this State having a population in excess of two hundred thousand according to the latest preceding United States census, or located in a city any portion of which city is within five miles of a city of said size, whether within or without this State, or located in a city of the State having a population of more than forty-five thousand and not more than fifty thousand according to the latest preceding United States census, or in any city having a population of more than twelve thousand two hundred but not more than twelve thousand three hundred fifty, or in any city of the State having a population of more than thirty thousand and not more than forty thousand, or in any city within five miles of a city of said size, *or in any county having a population of less than three thousand eight hundred,* or in any county having a population of more than fourteen thousand nine hundred and less than fifteen thousand one hundred, or in any county adjoining three cities, two of which have a population of more than eighty thousand, or in any county adjoining three or more cities, one of which has a population in excess of two hundred thousand lying wholly within the State, or in any county having a population of more than thirty-three thousand five hundred but less than thirty-four thousand, or in any city having a population of more than nine thousand four hundred but less than ten thousand four hundred, or in any county having a population of more than eleven thousand five hundred, but less than twelve thousand, or in any county having a population of more than seventy thousand but less than ninety-nine thousand, or in a county having a population in excess of seventeen thousand but not in excess of seventeen thousand five hundred, or in any county having a population of more than twenty-seven thousand seven hundred, but less than twenty-eight thousand, or in any city having a population of more than eighty-five thousand but not more than two hundred thousand or any bank in a city of said size having one or more branch banks located in a town, any portion of which town is within five miles of any such city, or in any city having a population of more than twenty-five thousand but less than thirty thousand, or in a city having a population of more than seven thousand but less than eight thousand, or in a county having a population of more than ninety thousand but less than ninety-nine thousand or in any county having a population of more than twenty-six thousand six hundred, but less than twenty-six thousand six hundred and eighty, or in any county having a population of more than seven thousand one hundred, but less than seven thousand one hundred and forty, or in any county having a population of more than twelve thousand eight hundred, but less than thirteen thousand, or in any county having a population of more than twenty-four thousand six hundred, but less than twenty-six thousand six hundred, or in any county having a population of more than four thousand seven hundred, but less than five thousand five hundred, or in any county having a population of more than twenty-three thousand four hundred, but less than twenty-five thousand, to permit any one or more or all its offices located in such a city, town or county to remain closed on any one or more or all Saturdays, as the bank, by resolution of its board of directors, may from time to time determine. Any Saturday

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on which an office of a bank shall remain closed, as herein permitted, shall, as to such office, constitute a legal holiday, and any act authorized, required or permitted to be performed at, by or with respect to any such office on a Saturday on which the office is so closed, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay.

2. An emergency exists and this act is in force from its passage

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CHAPTER 12

AN ACT to amend and reenact § 15-707, as amended, of the Code of Virginia, relating to dumps for waste material.

[S 8]

Approved February 3, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 15-707, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 15-707. The governing bodies of counties are authorized in their discretion to acquire by lease, gift, purchase or condemnation, land in each or any magisterial district for the purpose of providing a dumping place for waste material including abandoned automobiles. The area in any magisterial district, except in the count*ies* of Albemarle *and Augusta* is limited to three acres and no waste material shall be deposited in any such dump of a liquid or fluid character. In the count*ies* of Albemarle *and Augusta* the area in any magisterial district shall not exceed fifteen acres. No deleterious substance, which might be or become a nuisance to adjoining property, shall be deposited on such dumps nor any waste material from manufacturing or industrial plants. The governing bodies of counties are vested with the power of eminent domain insofar as the exercise of such power is necessary for the acquisition of lands for the purposes of this section and in the exercise of such power are vested with such powers and rights as are or which may hereafter be vested by law in the governing bodies of counties and the procedure in such condemnation suit or procedure shall be under the restrictions provided by the general statutes of this State relative to the condemnation of land so far as the same may be applicable and are not in conflict with provisions of this section.

In any county or any magisterial district thereof in which a dump for waste material has been established as described above, it shall be unlawful to dump any such waste material including abandoned automobiles except with the written consent of the owner of the land. Any person dumping any waste material including abandoned automobiles, except on public dumps or with the written consent of the landowner, in any county in which such a dump has been established shall be guilty of a misdemeanor and punished accordingly.

2. An emergency exists and this act is in force from its passage.

CHAPTER 13

An Act to amend and reenact § 1 of Chapter 14, as amended, of the Acts of Assembly 1944, which was continued in effect by § 24-119, as

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amended, of the Code of Virginia, relating to registrars and registration of voters in certain cities.

[H 7]

Approved February 4, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Chapter 14, as amended, of the Acts of Assembly of 1944, which was continued in effect by § 24-119, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 1. That in cities containing more than * *two hundred and thirty* thousand population according to the last United States census, there shall be a reregistration of all persons who have registered to vote under the Constitution and general laws of the Commonwealth, or a transfer of persons who have registered to vote, in lieu of such reregistration, in the calendar year nineteen hundred forty-nine; and there shall be a reregistration, or transfer in lieu thereof of such persons during each tenth calendar year thereafter. The cost and expense of such reregistrations and transfers shall be borne by such cities. No person who has registered to vote prior to the first day of January, nineteen hundred forty-nine, or prior to the first day of January of each tenth calendar year thereafter shall be qualified to vote in any election held in any calendar year subsequent to nineteen hundred forty-nine or in any calendar year subsequent to each tenth year thereafter, unless he or she reregisters, or causes the transfer of his or her registration in lieu thereof, according to the provisions of this act.

CHAPTER 14

An Act to amend and reenact § 29-184.2, as amended, of the Code of Virginia, relating to enforcement of dog laws by dog wardens in counties.

[H 17]

Approved February 4, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 29-184.2, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-184.2. (a) Notwithstanding any other provision of law, except § 29-184.3, in any county, the enforcement of the dog laws may, in the discretion of the governing body thereof, be vested in a dog warden and deputy dog wardens, and upon the appointment therein of a dog warden and deputy dog wardens the game warden shall have no jurisdiction as to the enforcement of the dog laws. In any such county the judge of the circuit court shall appoint an officer to be known as the dog warden, who shall have exclusive jurisdiction as to the enforcement of the dog laws in such county; the judge may also appoint one or more deputy dog wardens to assist the dog warden in dog inspection activities and in dog law enforcement. Provided, however, that in any county having a population in excess of twenty-three thousand three hundred fifty but not in excess of twenty-three thousand three hundred seventy, the circuit court shall appoint the dog warden and any deputy recommended by the governing body of such county. Provided, however, that any county which has adopted the county manager form of organization and government provided by chapter 11 (§ 15-266 et seq.), Title 15, shall appoint such dog

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warden and deputy dog wardens in the same manner as are other employees as provided in § 15-314. Such deputy dog wardens shall have the powers and duties of a dog warden. The dog warden and deputy dog wardens shall have all the powers and duties of a game warden in the enforcement of the dog laws. The dog warden and deputy dog wardens shall be paid such compensation as the governing body of the county may prescribe.

(b) The appointments shall be made by the court or judge on or before the thirtieth day of June for one year commencing on the first day of July and expiring on the thirtieth day of June next succeeding.

(c) In such county the amount of the dog license tax, which in no event shall be more than five dollars per dog, shall be fixed by ordinance adopted by the governing body of such county, and thereafter the tax imposed under § 29-184 shall not apply therein. The funds collected for dog license taxes shall be paid into a special fund and may be disposed of as provided in this section and in §§ 29-206 and 29-209, except that the county treasurer shall not be required to remit any portion of such funds to the State Treasurer nor shall the governing body be required to supplement the salary of the game warden. The county shall pay the salaries and expenses of the dog warden and deputy dog wardens from such special fund. Any sum remaining shall be left to accumulate in said fund for a period of not less than three years, and not more than fifty per cent of such accumulated fund shall be transferred from said special fund to any other fund, except as herein provided, in any one fiscal year.

(c1) The Governor is hereby authorized to transfer at one time or from time to time from the unappropriated balance in the Game Protection Fund such sum as may be necessary and recommended by the Director of the Budget for the revision of the salary of the game warden in any county adopting the provisions of this section.

(d) All other provisions of chapter 9 (§ 29-183 et seq.) of this title shall apply mutatis mutandis to any such county and dog wardens and deputy dog wardens therein.

(e) The provisions of this section shall not apply to any county having a population of more than thirty * *-seven* thousand but not more than thirty-nine thousand.

(f) The provisions of this section shall not apply to any county having a population of more than twenty-seven thousand but not more than twenty-seven thousand seven hundred fifty.

2. An emergency exists and this act is in force from its passage.

CHAPTER 15

An Act to amend and reenact § 38.1-286, as amended, of the Code of Virginia, relating to when premium to be collected on certain contracts of insurance.

[H 22]

Approved February 4, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-286, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 38.1-286. On every contract of insurance of the kind classified and defined in §§ 38.1-6, 38.1-7 and 38.1-8, written, countersigned or delivered by a resident agent or company representative of any company and covering a subject of insurance resident, located, or to be performed in this

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State, the full premium on the contract shall be collected when such contract is written, issued or delivered, or within a reasonable time thereafter; provided, however, the Commission may approve a uniform installment premium payment plan under which that portion of the premium applicable to the second year and subsequent years of a term policy may be carried by the insurer issuing the policy on a deferred payment basis and such deferred payment shall include a charge representing a reasonable and adequate annual rate of interest and other costs; *and provided further that nothing in this section shall be construed to prevent a resident agent or company representative from accepting from a policyholder of such insurance a promissory negotiable note with interest thereon for said premium payable at a future date in lieu of said collection.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 16

An Act to amend and reenact § 29-202, as amended, of the Code of Virginia, relating to compensation for livestock and poultry killed by dogs.

[H 24]

Approved February 4, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 29-202, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-202. Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation therefor a reasonable value of such livestock or poultry; provided that in the counties of Fauquier, Giles, Halifax, Pittsylvania, Washington, Russell, Tazewell, Patrick, Rockbridge, Fairfax, Carroll, Floyd and Grayson, the governing body may compensate the claimant upon the basis of the assessed value of such livestock and the fair value of unassessed lambs and poultry, but in no event to exceed the reasonable value thereof. Nothing herein shall be construed as limiting the common law liability of an owner of a dog for damages committed by it, and when compensation is paid as above provided, the county or city shall be subrogated to the extent of compensation paid to the right of action to the owner of such livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law. Claimants for damages shall furnish evidence under oath of quantity and value to the governing body of the county or of any city within ninety days after sustaining such damage.

Provided, however, that if the governing body of the counties of Surry, Carroll, Grayson, *King George,* Sussex and Floyd so prescribe by ordinance, no payment by the county shall be made under this section unless and until the claimant shall have exhausted his legal remedies against the owner of the dog doing the damage for which compensation under this section is sought; such governing body of such county may require the submission of evidence that the claimant has exhausted his legal remedies against the owner of the dog, if known.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 17

An Act to amend and reenact § 24-345.3, as amended, of the Code of Virginia, relating to qualifications of candidates and declarations of candidacy for certain elective offices.

[H 25]

Approved February 4, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 24-345.3, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-345.3. Notwithstanding all other provisions of this title, during the effective period of this chapter all declarations of candidacy, except for town * offices, required by chapter 14 (§ 24-346 et seq.) of this title to be filed by candidates in primary elections shall be filed at least ninety days before the date of the primary. The party chairman or other officer or officers with whom such declaration of candidacy are filed, in addition to certifying the names as now required by law, shall certify within not less than ten days to the State Board of Elections, hereinafter referred to as Board, the names of all primary candidates for any office to be filled by election by the voters of the State at large or of any Congressional district, House of Delegates district, * State Senatorial district, *or county and city offices.*

During the effective period of this chapter all political parties desiring to nominate candidates for said offices shall make and complete their nominations in the manner provided by law on or before the Tuesday after the second Monday in July next preceding the election for such offices unless a second primary be required, in which event any party for which such second primary is required shall complete its nominations on the fifth Tuesday following the first primary, and the proper authorities of each political party shall certify the names of its candidates to the chairman of the electoral board, if required, and to the Board not later than ten days after said day.

All candidates for said offices other than party nominees shall file their notices of candicacy and petitions, if same are required by chapter 8 (§ 24-130 et seq.) of this title, within ten days after the Tuesday after the second Monday in July unless a second primary be required, in which event any such candidate shall file his notice of candidacy and petition within ten days following the day of such second primary with the Board, and also with the clerk or other officer, when same is required by law. The name of no candidate for any office required by this section to be certified to the Board whose name is not so certified, or whose notice of candidacy, if the filing of such a notice is required by such chapter of the Code, is not filed within the time required by this section, shall be printed on any official ballot for said election.

2. An emergency exists and this act is in force from its passage.

CHAPTER 18

An Act to authorize the governing bodies of certain counties and towns to make expenditures from county and town general funds in connection with providing sources of public water supply.

[H 26]

Approved February 4, 1959

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Be it enacted by the General Assembly of Virginia:

1. § 1. The governing bodies of any county having a population of more than twenty-six thousand six hundred but less than twenty-six thousand six hundred seventy-five, and of any county having a population of more than thirty-four thousand but less than thirty-five thousand and of any county having a population of more than twelve thousand eight hundred but less than thirteen thousand, and of any town in such county, are authorized to make expenditures from the county or town general fund in order to acquire land, participate in the construction of dams and perform all other necessary acts for the purpose of providing sources of public water supply for the agricultural and industrial development of the county or town.

2. An emergency exists and this act is in force from its passage.

CHAPTER 19

An Act to amend and reenact Chapter 236, as amended, of the Acts of Assembly of 1934, approved March 27, 1934, so as to empower the governing body of Russell County to set the open season to gig non-game fish in certain waters in such county.

[H 28]

Approved February 4, 1959

Be it enacted by the General Assembly of Virginia:

1. That Chapter 236, as amended, of the Acts of Assembly of 1934, approved March 27, 1934, be amended and reenacted as follows:

§ 1. It shall be unlawful for any person to shoot any fish in the waters of the Clinch River and its tributaries, in the county of Scott and to shoot any fish in the waters of Clinch River in the county of Russell, but it shall be lawful to gig for any fish not classed as game fish in said rivers in said counties of Russell and Scott in the daytime, or at night with lights, at any time except during the closed season as prescribed by law; *provided, however, that the governing body of the county of Russell may prescribe the season during which it shall be lawful to gig such fish in the waters of such county;* anything in any other act, to the contrary notwithstanding.

CHAPTER 20

An Act to amend and reenact § 33-308, as amended, of the Code of Virginia, relating to permits for advertisements and advertising structures.

[S 11]

Approved February 4, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 33-308, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 33-308. A separate application for a permit shall be made for each separate advertisement or advertising structure, on a form furnished by the Commissioner, which application shall be signed by the applicant or his representative duly authorized in writing to act for him and shall

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describe and set forth the size, shape and the nature of the advertisement or advertising structure it is proposed to post, display, erect or maintain and its actual or proposed location with sufficient accuracy to enable the Commissioner to identify such advertisement or advertising structure and to find its actual or proposed location.

Each application shall be accompanied by an application fee in an amount determined as follows on the basis of the area of the advertisement or advertising structure for which the permit is sought, according to the following schedule:

(1) Seventy-five cents if a single faced sign and such area does not exceed seventy-four square feet, and one dollar if a double faced sign the area of which does not exceed seventy-four square feet;

(2) Two dollars and fifty cents if such area exceeds seventy-four square feet but does not exceed four hundred and twenty-four square feet;

(3) Four dollars if such area exceeds four hundred and twenty-four square feet but does not exceed six hundred and twenty-four square feet; and

(4) An additional one dollar and twenty-five cents for each two hundred square feet of such area in excess of six hundred and twenty-four square feet.

In the computation of fees under this section each side of an advertisement or advertising structure used or constructed to be used shall be separately considered.

The fee shall be retained by the Commissioner if the permit is issued. If the permit is refused, the Commissioner shall refund one-half the application fee to the applicant if the application fee does not exceed one dollar; if the application fee exceeds one dollar the Commissioner shall upon refusal of the permit return to the applicant all of the application fee in excess of one dollar.

Each application shall be accompanied by the written consent, or in lieu thereof a copy certified by an officer authorized to take acknowledgments to deeds in this State, of the owner of the real property upon which such advertisement or advertising structure is to be erected, used, maintained, posted or displayed, or of such other person having the legal right to grant such consent, or of the duly authorized agent of such owner, or other person; *provided, that in the marsh or meadowland owned by the Commonwealth along either side of the causeway leading from the mainland to the town of Chincoteague, the legal right to grant such consent shall be vested in the governing body of such town.*

Application shall be made in like manner for a permit to use, maintain or display any existing advertisement or advertising structure.

2. An emergency exists and this act is in force from its passage.

CHAPTER 21

An Act to amend and reenact § 46.1-280 of the Code of Virginia, relating to brakes on towed vehicles, so as to exempt certain vehicles from the provisions of the section.

[H 6]

Approved February 5, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-280 of the Code of Virginia be amended and reenacted as follows:

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§ 46.1-280. (a) Every semitrailer or trailer or separate vehicle attached by a drawbar, chain or coupling to a towing vehicle *other than a farm tractor or a vehicle not required to obtain an annual registration certificate for license plates under § 46.1-45* and having an actual gross weight of three thousand pounds or more, shall be equipped with brakes controlled or operated by the driver of the towing vehicle which shall conform to the specifications set forth in § 46.1-279 and shall be of a type approved by the Superintendent.

(b) "Gross weight" for the purpose of this section includes the load upon such semitrailer, trailer or separate vehicle.

2. An emergency exists and this act is in force from its passage.

CHAPTER 22

An Act to amend and reenact §§ 46.1-65 and 46.1-66 of the Code of Virginia, relating to taxes and license fees upon motor vehicles, trailers and semitrailers imposed by counties, cities and towns and to the limitation on the imposition of such taxes and fees.

[H 23]

Approved February 5, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-65 and 46.1-66 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-65. (a) Except as provided in § 46.1-66 counties, incorporated cities and towns may levy and assess taxes and charge license fees upon motor vehicles, trailers and semitrailers; *provided that no such taxes and license fees shall be assessed or charged by any county upon vehicles of owners who are residents of any town located in such county which constitutes a separate school district approved for operation when such vehicles are already subject to town license fees and taxes.* The amount of the license fee or tax imposed by any county, city or town upon any class of motor vehicles, trailers or semitrailers shall not be greater than the amount of the license tax imposed by the State on vehicles of like class. Such license fees and taxes shall be imposed in such manner, on such basis, and for such periods, as the proper authorities of such counties, cities and towns may determine, and subject to proration for fractional periods of years in the manner prescribed in § 46.1-165.

(b) The revenue derived from all county, city or town taxes and license fees imposed upon motor vehicles, trailers or semitrailers shall be applied to general county, city or town purposes, as the case may be, except that in any county having a population of more than eleven thousand four hundred but less than eleven thousand nine hundred this revenue shall be paid into the school fund of such county.

(c) A county, incorporated city, or town may require that no motor vehicle, trailer or semitrailer shall be locally licensed unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semitrailer to be licensed have been paid which have been properly assessed or are assessable against the applicant by the county, incorporated city or town.

(d) If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes upon vehicles of owners resident in such town, the owner of any vehicle subject to such fees or taxes shall be entitled, upon such owner displaying evidence that he has

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paid the amount of such fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to such town. Nothing herein contained shall be construed as depriving any town now imposing such licenses and taxes from increasing the same or as depriving any town not now imposing the same from hereafter doing so, but subject to the limitations provided in the foregoing paragraph. The governing body of any county and the governing body of any town in said county wherein each impose the license tax herein provided may provide mutual agreements so that not more than one license tag in addition to the State tag shall be required.

Except as provided by this paragraph (d), no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction.

§ 46.1-66. (a) No county, city or town shall impose any tax or license fee upon any motor vehicle, trailer or semitrailer when:

(1) A similar tax or license fee is imposed by the county, city or town of which the owner is a resident;

(2) The motor vehicle, trailer or semitrailer is owned by a nonresident of such county, city or town and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in paragraph (3) of this subsection;

(3) The motor vehicle, trailer or semitrailer is owned by a nonresident and is used for transporting into and within such county, city or town, for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him, and not purchased by him for sale;

(4) The motor vehicle, trailer or semitrailer is owned by an officer or employee of the State of Virginia who is a nonresident of such county, city or town and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

(5) The motor vehicle, trailer or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;

(6) The motor vehicle, trailer or semitrailer is operated by a common carrier of persons or property operating between cities and towns in this State and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intracity transportation;

(b) *Except as provided in § 46.1-65* no county shall impose any license fee or tax upon a motor vehicle, trailer or semitrailer of an owner resident in an incorporated city or town within the county when such city or town imposes a license fee or tax upon motor vehicles, trailers or semitrailers.

2. An emergency exists and this act is in force from its passage.

CHAPTER 23

An Act to amend and reenact § 46.1-155, as amended, of the Code of Virginia, relating to license fees for certain trailers.

[H. 85]

Approved April 10, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-155, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 46.1-155. The fee for the certificate of registration and license plates to be paid to the Commissioner by the owner of a one or two wheel

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trailer * *of a cradle, flat bed or open pickup type which has* a body * width not greater than the width of the motor vehicle to which it is attached at any time of operation, * *which is pulled or towed by a passenger car or station wagon, or a pickup or panel truck having an actual gross vehicle weight not exceeding five thousand pounds, and which is* used * for carrying property * not * *exceeding* one thousand pounds at any one time, * shall be three dollars and fifty cents. *Nothing herein shall be construed as applying to the fees for trailers or semitrailers designed for use as living quarters for human beings, or to those trailers or semitrailers operated under lease or rental agreement, or operated for compensation.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 24

An Act to amend and reenact §§ 2 and 7 of Chapter 714 of the Acts of Assembly of 1956, approved March 31, 1956, so as to change the names of the Chesapeake Bay Ferry District and the Chesapeake Bay Ferry Commission to the Chesapeake Bay Bridge and Tunnel District and the Chesapeake Bay Bridge and Tunnel Commission, respectively, and to prescribe the maximum rate of interest and interest cost on certain bonds.

[H 79]

Approved April 16, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 2 and 7 of Chapter 714 of the Acts of Assembly of 1956, approved March 31, 1956, be amended and reenacted as follows:

§ 2. Definitions.—As used in this act the following words shall have the following meanings:

(a) The word "District" shall mean the * political subdivision of the State of Virginia, duly created by Chapter 693, *as amended,* of the Acts of * *Assembly* of 1954, * *known as the Chesapeake Bay Ferry District and to be known hereafter as the Chesapeake Bay Bridge and Tunnel District.*

(b) The word "Commission" shall mean the * governing body of the District, *duly created* by said Chapter 693, as amended, *known as the Chesapeake Bay Ferry Commission and to be known hereafter as the Chesapeake Bay Bridge and Tunnel Commission,* or if said Commission shall be abolished, any board, commission or officer succeeding to the principal functions thereof, or upon whom the powers given by this act to said Commission shall be given by law.

(c) The word "project" shall mean a bridge or tunnel or a bridge and tunnel project from any point within the boundaries of the District to a point in the county of Northampton, including such approaches and approach highways as the Commission shall deem necessary to facilitate the flow of traffic in the vicinity of such project or to connect such project with the highway system or other traffic facilities in the State, and including all overpasses, underpasses, interchanges, entrance plazas, toll houses, service stations, garages, restaurants, and administration, storage and other buildings and facilities which the Commission may deem necessary for the operation of such project, together with all property, rights, franchises, easements and interests which may be required by the Commission for the construction or the operation of such project, which project may replace or supplement all or any part of any public ferry service or services then existing in the District.

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Be it enacted by the General Assembly of Virginia:

1. That § 26-17 of the Code of Virginia be amended and reenacted as follows:

§ 26-17. A statement of all money and other property which any personal representative, guardian, curator, * committee, * *testamentary trustee, trustee under § 37-141 and receiver under § 55-44,* has received, or become chargeable with, or has disbursed, within one year from the date of the order conferring his authority, or from the date of the trust or within any succeeding year, together with the vouchers for the disbursements, and a statement of cash on hand or in bank and all investments held at the terminal date of the account, shall, within four months after the end of every such year, be exhibited by him before the commissioner of accounts of the court wherein the order conferring his authority was made, or of the court wherein the instrument creating the trust was first recorded; and the commissioner shall state, settle and report to the court an account of the transactions of such fiduciary, as provided by law. Every such fiduciary shall also, at the request of the commissioner to whom he is required to exhibit the foregoing statements, exhibit to the commissioner the securities held by him together with a statement of every bank in which cash is held at the terminal date of the account.

The commissioner shall enter in his record book, in a separate column, the date of each settlement of fiduciary accounts made by him.

CHAPTER 74

An Act to amend and reenact § 6-348 of the Code of Virginia, relating to loans by, and the rate of interest and other charges allowed to banks, brokers and certain other corporations and associations.

[H 14]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-348 of the Code of Virginia be amended and reenacted as follows:

§ 6-348. Any bank, or any broker duly licensed to transact business as a stockbroker or as a broker dealing in options and futures under the provisions of Title 58, may loan money or discount bonds, bills, notes or other paper at a rate not exceeding one-half of one per centum for thirty days, and may charge a minimum loan or discount fee of one dollar on loans or discounts, and may receive such interest in advance; provided, however, that any bank may charge in advance the legal rate of interest upon the entire amount of any loan, payable in weekly, monthly or other periodical installments, and any note evidencing such an installment loan may provide that the entire unpaid balance thereof, at the option of the holder, shall become due and payable upon default in payment of any stipulated installment, without impairing the negotiability of such note, if otherwise negotiable; *and provided, further, that any bank may charge a rate not exceeding one per centum per month on daily balances, or on maximum calendar or fiscal monthly balances, under a written contract for revolving credit on any plan which permits an obligor to avail himself of the credit so established, and may also charge as a service fee a sum not exceeding twenty-five cents for each check, draft or other order on the credit so established;* and provided, further, that agricultural credit corporations or associations organized under the laws of this State may charge interest or discount on loans made for agricultural purposes at a rate not exceeding

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one and one-half per centum per annum in excess of the rate charged such agricultural credit corporations or associations by federal intermediate credit banks, at the time such loans are made, or said agricultural credit corporations or associations may in their discretion charge the rate of interest prescribed by § 6-346 and in either case, such agricultural credit corporations or associations may charge a minimum loan or discount fee of one dollar on loans or discounts for thirty days or more and may receive such interest or discount in either case in advance.

2. An emergency exists and this act is in force from its passage.

CHAPTER 75

An Act to amend and reenact § 46.1-3 of the Code of Virginia, relating to the removal and disposition of unattended and abandoned vehicles in counties, cities or towns.

[H 46]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-3 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-3. The governing body of any county, city or town is authorized to provide by ordinance that whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area. Each removal shall be reported immediately to a central office to be designated in the ordinance, and notice thereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner, before obtaining possession of the motor vehicle, trailer or semitrailer, shall pay to the county, city or town all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should the owner fail or refuse to pay the costs or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made, and after notice to the owner at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles in Virginia against the motor vehicle, trailer or semitrailer, the officer designated by the governing body of the county, city or town may, after holding the motor vehicle, trailer or semitrailer ninety days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the treasurer or similar officer of the county, city or town. The treasurer or similar officer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership. *If no claim has been made by the owner for the proceeds of such sale, after the payment of the abovementioned cost, the funds may be deposited to the general fund or any special fund of such county, city or town. Any such owner shall be entitled to apply to the county, city or town within three years from the date of such sale and if timely application is made therefor, the said county, city or town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.*

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CHAPTER 76

An Act to amend and reenact § 20-79 of the Code of Virginia, relating to the effect of divorce proceedings upon the jurisdiction of certain courts as to alimony, support and custody.

[H 69]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20-79 of the Code of Virginia be amended and reenacted as follows:

§ 20-79. *(a)* In any case where an order has been entered under the provisions of this chapter, directing a husband to pay any sum or sums of money for the support of his wife, or concerning the care, custody or maintenance of any child, or children, the jurisdiction of the court which entered such order shall cease and its orders become inoperative upon the entry of a decree by the court or the judge thereof in vacation in a suit for divorce instituted in any court of record having jurisdiction thereof, in which decree provision is made for alimony or support money for the wife or concerning the care, custody or maintenance of a child or children, or concerning any matter provided in a decree in the divorce proceedings in accordance with the provisions of § 20-103.

(b) In any suit for divorce the court in which same is instituted or pending, when either party to the proceedings so requests, shall provide in its decree for the maintenance, support, care or custody of the child or children, alimony if the same be sought, and counsel fees and other costs, if in the judgment of the court any or all of the foregoing should be so decreed.

(c) Provided, that in any suit for divorce should the husband or father, as the case may be, be out of or leave the State and fail to support his wife, *child* or children or fail to comply with any order or decree of such court of record for the support of his wife, *child* or children, such court may, *upon the motion of counsel for such wife, child or children,* thereupon abate and dismiss such suit insofar as the same may pertain to or provide for the payment of alimony, maintenance or support for wife, *child* or children with right of such wife, *child* or children to proceed against such husband or father, as the case may be, in the criminal courts of this State, including * *municipal* courts, * *county* courts and juvenile and domestic relations courts of the Commonwealth as fully and to the same extent as if the divorce suit had never been instituted.

CHAPTER 77

An Act to amend and reenact § 19-186, as amended, of the Code of Virginia, relating to exclusion from jury of persons living within two miles of place felony committed, and exceptions thereto.

[H 70]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 19-186, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 19-186. No person residing within two miles of the place where the crime is alleged to have been committed shall be allowed to serve as a

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juror in any felony case in the circuit court of any county; provided, however, that the impanelling of such a juror shall not be cause for summoning a new panel, or for setting aside a verdict or granting a new trial, unless objection thereto specifically pointed out is made before the jury is sworn; and provided further, however, that such a juror may be impanelled and serve in any county having a population in excess of ninety-five thousand or in any county containing a town, the population of which is more than half the entire population of the county, *or in any county in which a military reservation is located in whole or in part.*

CHAPTER 78

An Act to amend the Code of Virginia by adding a section numbered 8-135.1, to remove the defense of infancy as to certain debts.

[H 71]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 8-135.1 as follows:

§ 8-135.1. If any minor sixteen years of age or over shall procure a loan upon the representation in writing that the proceeds thereof are to be expended by such minor to defray any or all expenses incurred by reason of attendance at an institution of higher education, which has been approved by Southern Association of Colleges and Secondary Schools, or Western College Association, or The Northwest Association of Secondary and Higher Schools, or Middle States Association of Colleges and Secondary Schools, or New England Association of Colleges and Secondary Schools, or North Central Association of Colleges and Secondary Schools, such minor shall be liable for the repayment thereof as though he were an adult, and no plea of infancy shall be allowed.

CHAPTER 79

An Act to repeal § 46.1-158 of the Code of Virginia, relating to weights and name and address of owner appearing on certain vehicles, and to amend the Code of Virginia by adding a new section numbered 46.1-158.1, providing for the name and address of the owner of certain vehicles to appear thereon; and to amend and reenact § 46.1-64 of the Code of Virginia, relating to certain prohibited acts in relation to motor vehicles.

[H 136]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-158 of the Code of Virginia is repealed.

2. That the Code of Virginia be amended by adding a section numbered 46.1-158.1 and that § 46.1-64 of the Code of Virginia be amended and reenacted, the added and amended sections being as follows:

§ 46.1-64. No person shall:

(a) Operate or permit a motor vehicle, trailer or semitrailer, controlled by him to be operated upon a highway which is not registered or for which a certificate of title has not been issued or which does not have

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attached thereto and displayed thereon the license plate or plates assigned thereto by the Division for the current registration year, subject to the exemptions mentioned in §§ 46.1-45, 46.1-81 and 46.1-113 through 46.1-139.

(b) Display, cause or permit to be displayed or to have in possession any registration card, certificate of title or registration license plate, knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered.

(c) Lend or knowingly to permit the use, by one not entitled thereto, of any registration card or license plate.

(d) Fail or refuse to surrender to the Division or the Department of State Police, upon demand, any certificate of title or registration card or registration license plate, which has been suspended, cancelled or revoked as in this title provided.

(e) Use a false or fictitious name or address in any application for the registration of any motor vehicle, trailer or semitrailer or for a certificate of title or for any renewal or duplicate thereof, or knowingly to make a false statement of a material fact or to conceal a material fact or otherwise commit a fraud in any such application.

(f) Operate or cause to be operated or to permit the operation of a "for hire" vehicle, *except those falling within the gross weight group of ten thousand pounds and less as shown by § 46.1-154,* over or on the highways of this State unless the name and address of the owner of such vehicle plainly appears on both sides of such vehicle in letters not less than three inches in height, provided that the provisions contained in this paragraph shall not apply to any motor vehicle the use of which is restricted to wedding, ambulance or funeral services, nor to any motor vehicle rented without chauffeur and operated under a valid lease agreement which provides that the lessee of such vehicle shall have exclusive control thereof, but this exemption shall not include motor vehicles leased to common or contract carriers of persons or property which operate or should operate under certificates or permits issued by the State Corporation Commission or the Interstate Commerce Commission.

§ 46.1-158.1. The owner of every vehicle, except in the case of private carriers, registered under §§ 46.1-154 and 46.1-157 except those falling within the gross weight group of ten thousand pounds and less as shown in § 46.1-154 shall cause to be painted, or otherwise plainly and legibly shown, on each side of such vehicle, in letters not less than three inches in height, the name and address of the owner of such vehicle.

CHAPTER 80

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 13.1 an article numbered 13 containing sections numbered 13.1-140 through 13.1-156, defining industrial development corporations; providing the mode of their incorporation; defining their purposes, powers and duties; and providing for the regulation, control and management of their business and affairs.

[H 213]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Chapter 1 of Title 13.1 an article numbered 13 containing sections numbered 13.1-140 through 13.1-156 as follows:

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ARTICLE 13

§ 13.1-140. This article shall be known and may be cited as the "Virginia Industrial Development Corporation Act".

§ 13.1-141. As used in this article, unless a different meaning is required by the context, the following words and phrases shall have the following meanings:

(a) "Corporation": A Virginia industrial development corporation created under the provisions of this article.

(b) "Financial Institution": Any bank, trust company, savings and loan association, industrial loan association or insurance company.

(c) "Member": Any financial institution which shall undertake to lend money to a corporation created under this article, upon its call and in accordance with the provisions of this article.

(d) "Board of Directors": The Board of Directors of a corporation created under this article.

(e) "Loan Limit": For any member, the maximum amount permitted to be outstanding at one time on loans made by such member to a corporation as determined under the provisions of this article.

(f) "Commission": The State Corporation Commission of Virginia.

§ 13.1-142. An industrial development corporation may be incorporated in this State pursuant to the provisions of Article 3 of this chapter, and all the provisions of this chapter not in conflict with or inconsistent with the provisions of this article shall apply to such corporation except as hereinafter otherwise provided. The purpose clause of the articles of incorporation shall recite that the purposes for which the corporation is formed are to stimulate and promote the business prosperity and economic welfare of this State and its citizens; to encourage and assist through financial aid, advice, technical assistance and other appropriate means the location of new businesses and industries and the rehabilitation, improvement and expansion of existing businesses and industries throughout the State; and in furtherance of such purposes, to cooperate with the Virginia Department of Conservation and Economic Development and with other organizations, public and private.

§ 13.1-143. Every corporation created under this act shall have as part of its corporate name or title the words "Industrial Development".

§ 13.1-144. The articles of incorporation shall not be issued by the Commission unless approved by the Governor in writing. Such approval shall not be given by the Governor until he first shall have sought the advice of the Board of Conservation and Economic Development.

§ 13.1-145. The powers of a corporation shall be subject to the following restrictions:

(a) It shall not approve any application for a loan until the applicant shall have shown that he has applied to a financial institution that could lawfully lend the amount of money sought and that the said financial institution has refused in writing to make the requested loan.

(b) It shall not incur any secondary liability for the debts of others, but may assume primary liability therefor.

(c) It shall not give security for any loan made to it unless all loans to it are secured ratably in proportion to unpaid balances due.

§ 13.1-146. Notwithstanding any other provision of law, any person, corporation (including a public service corporation), financial institution or railroad may acquire, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, notes, debentures, securities or other evidences of indebtedness, or the shares of capital stock of a corporation created hereunder, provided, however, that the amount of capital stock which may be acquired by any member of such corporation shall not exceed ten per cent of the loan limit of such member.

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§ 13.1-147. Any financial institution is authorized to become a member of a corporation by making application to the board of directors on such form and in such manner as the board of directors may require and membership shall become effective upon acceptance of such application by said board. Membership shall be for the duration of the corporation, provided, however, that upon written notice given to the corporation two years in advance, a member may withdraw from membership at the expiration date of such notice and shall not thereafter be obligated to make any loans to the corporation.

Each such member shall make loans to the corporation as and when called upon by it to do so, upon such terms and conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(a) All loans shall be evidenced by negotiable instruments of the corporation and shall bear interest at a rate of not less than one-half of one per cent in excess of the rate of interest determined by the board of directors to be the prime rate on unsecured commercial loans as of the date of the loan.

(b) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section.

(c) No loan to a development corporation shall be made if immediately thereafter the total amount of the obligations of the said corporation would exceed ten times the amount then paid in on its outstanding capital stock.

(d) The total amount outstanding at any one time on loans to a development corporation made by any member shall not exceed the following limit, to be determined as of the time such member becomes a member, on the basis of figures contained in the most recent year-end statement furnished by such member to State or federal supervisory authorities, as the case may be: Two per cent of the capital and permanent surplus of banks and trust companies; one per cent of the total outstanding loans made by a savings and loan association, or an industrial loan company; one per cent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; one per cent of the unassigned surplus of mutual insurance companies, except fire insurance companies; one-tenth of one per cent of the assets of fire insurance companies.

All loan limits shall be recomputed as of the first day of January of each even-numbered year, but no member's loan limit shall be increased as the result of such recomputation without the consent of such member.

(e) Each call for loans made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The "adjusted loan limit" of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment of such member in capital stock of the corporation at the time of such call.

(f) A member of a corporation created under this article shall not be a member of more than one such corporation.

§ 13.1-148. Each share of stock of a corporation shall have a par value of one hundred dollars, and shall be issued for cash. No preferred stock shall be issued.

Each stockholder shall be entitled to one vote, in person or by proxy, for each share of capital stock held, and each member shall be entitled to one vote, in person or by proxy, for each one thousand dollars of the authorized loan limit of such member as determined under § 13.1-147.

The rights given by this chapter to stockholders to attend meetings and to receive notice thereof and to exercise voting rights shall apply to

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members as well as to stockholders of a corporation created hereunder. The voting rights of the members shall be the same as if they were a separate class of stockholders and stockholders and members shall in all cases vote separately by classes. A quorum at a meeting shall require the presence in person or by proxy of a majority of the holders of the voting rights of each class.

§ 13.1-149. The business and affairs of a corporation shall be conducted by a board of directors. The number of directors shall be a multiple of three. Two-thirds of the directors shall be elected by the members and one-third shall be elected by the stockholders. Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members and any vacancy in the office of director elected by the stockholders shall be filled by the directors elected by the stockholders.

§ 13.1-150. No amendment to the articles of incorporation shall be made which increases the obligation of a member to make loans to the corporation or which makes any change in the principal amount, interest rate, maturity date, or in the security or credit position of any outstanding loan made by a member to the corporation or which affects the right of a member to withdraw from membership or the voting rights of such member, without the consent of each member who would be affected by such amendment.

§ 13.1-151. Each year the corporation shall set apart as earned surplus not less than ten per cent of its net earnings for the preceding fiscal year until such surplus shall be equal in value to one-half of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus so established shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation.

§ 13.1-152. The rights given to stockholders under the provisions of §§ 13.1-5, 13.1-24, 13.1-80, 13.1-85 and 13.1-125 of this chapter shall apply to members as well as to stockholders of a corporation created hereunder.

§ 13.1-153. No corporation organized under the provisions of this article shall at any time be authorized to receive money on deposit. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated.

§ 13.1-154. A corporation shall keep, in addition to the books and records required by § 13.1-47, a record showing the names and addresses of all members of the corporation and the current status of loans made by each to the corporation. Members shall have the same rights with respect to such books and records as are given to stockholders by § 13.1-47.

§ 13.1-155. Under no circumstances is the credit of the State pledged herein.

§ 13.1-156. The provisions of this article are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions hereof.

CHAPTER 81

An Act to amend the Code of Virginia by adding a section numbered

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43-4.1, providing for the recordation of certain documents in the general index of deeds.

[H 214]

Approved February 24, 1960

1. That the Code of Virginia be amended by adding a section numbered 43-4.1, as follows:

§ 43-4.1. Notwithstanding the provisions of § 43-4, or any other section of this title, or any other provision of law requiring documents to be recorded in the miscellaneous lien book in the clerk's office of any court, on and after July one, nineteen hundred sixty all memoranda or notices of liens or other documents theretofore required to be recorded in such miscellaneous lien books shall be recorded in the deed books in such clerk's office, in lieu of the miscellaneous lien book and shall be indexed in the general index of deeds, and such general index shall show the type of such lien.

CHAPTER 82

An Act to amend and reenact § 17-46 of the Code of Virginia, relating to storage of certain records.

[H 228]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 17-46 of the Code of Virginia be amended and reenacted as follows:

§ 17-46. The judge of any court in whose clerk's office any contract of sale, or sale, under the provisions of §§ 55-88 to 55-90 has been admitted to record may, when such contract of sale or sale has been on record for at least fifteen years in such clerk's office, or when delinquent capitation tax books or any personal property tax books have been stored in such clerk's office and are shown to be no longer needed for any purpose, authorize and require such clerk, by an order of record, to store at some suitable place other than such clerk's office all such contracts of sale, sales and books containing the same and likewise to store any such delinquent capitation tax books or any such personal property tax books.

After a period of fifteen years all inventories, appraisements, lists of sales and settlements of accounts of executors, administrators, curators, trustees and other fiduciaries which have been recorded as provided by § 17-63 and all bonds recorded in bond books as required by § 17-62, and after five years all crop liens and crop lien books where same are recorded, which are shown to be no longer needed for any purpose, the court may likewise by order entered of record authorize and require the clerk, to store the same at some suitable place other than in such clerk's office.

Upon the entry of such order the clerk shall thereupon store *such papers and books as hereinabove set out and mentioned* in such manner as the court in the order may direct. *

2. An emergency exists and this act is in force from its passage.

CHAPTER 83

An Act to amend and reenact § 15-555.2 of the Code of Virginia, relating to fingerprinting.

[H 247]

Approved February 24, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 15-555.2 of the Code of Virginia be amended and reenacted as follows:

§ 15-555.2. The judge of a county court *or municipal court* may, in his discretion, on motion of the attorney for the Commonwealth, require the duly constituted police officers of the county, *city or town within the territorial jurisdiction of such court* to take the fingerprints of any person who has been arrested and charged with a misdemeanor other than a misdemeanor which is a violation of any provision of Title * *46.1* of the Code.

CHAPTER 84

An Act to amend and reenact § 2-175 of the Code of Virginia, relating to annual reports of the Comptroller.

[H 256]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2-175 of the Code of Virginia be amended and reenacted as follows:

§ 2-175. The Comptroller shall make an annual report to the Governor on or before the * *fifteenth* day of August, and shall make such other reports at such times as the Governor may require.

CHAPTER 85

An Act to repeal §§ 8-780 through 8-788 of the Code of Virginia, relating to appointment of agents to collect debts due the State, and sale of lands purchased for the State.

[H 260]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 8-780 through 8-788 of the Code of Virginia are repealed.

CHAPTER 86

An Act to amend the Code of Virginia by adding thereto a section numbered 54-446.1, relating to burden of proof as to certain provisions under the "Dangerous Drug Law" in Article 5 of Chapter 15 of Title 54 of the Code of Virginia.

[H 342]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 54-446.1 as follows:

§ 54-446.1. In any complaint, warrant or information, and in any action or proceeding brought for the enforcement of any provision of this article, it shall not be necessary to negative any exception, excuse,

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proviso, or exemption, contained in this article, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

CHAPTER 87

An Act to amend and reenact § 15-239, as amended, of the Code of Virginia, relating to the salaries of clerks in certain counties.

[S 47]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-239, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-239. The clerks of the boards of the counties of Pulaski, Russell, * *Caroline, Essex, King George, King and Queen and Southampton* may, in the discretion of the boards, receive a salary not exceeding nine hundred dollars a year. *The clerk of the board of the county of Wise may, in the discretion of the board, receive a salary not less than nine hundred dollars and not more than twelve hundred dollars.* The clerks of the boards of the counties of * Amherst, Bath, Hanover, King William, * Dinwiddie, Lee, Buchanan, * Surry, Gloucester, Mathews, Middlesex, Orange, Madison, Southampton, Brunswick, Greensville, * York, Charles City, Greene, James City and New Kent may, in the discretion of the boards, receive a salary not to exceed the sum of three hundred dollars a year. The clerk of the boards of the counties of Page, * Warren * *and Highland* may, in the discretion of the boards, receive a salary not to exceed five hundred dollars a year. The clerks of the boards of the counties of *Accomack,* Culpeper, Carroll, Dickenson, Nottoway, *Montgomery, Prince George, Sussex,* Grayson, * *Amelia and Scott* may, in the discretion of the boards, receive a salary not to exceed six hundred dollars a year. The clerk of the board of Rockingham county may, in the discretion of the board, receive a salary not in excess of eighteen hundred dollars a year. The clerk of the board of Alleghany county may, in the discretion of the board, receive a salary not in excess of seven hundred dollars a year. *The clerks of the boards of the counties of Patrick, Henry and Giles may, in the discretion of the boards, receive a salary not in excess of twelve hundred dollars a year.* The clerk of the board of the county of Henrico shall receive a salary in an amount determined by the board, and such salary shall be in lieu of and in satisfaction of any compensation allowable under § 33-160.

2. An emergency exists and this act is in force from its passage.

CHAPTER 88

An Act to repeal § 53-97 of the Code of Virginia, relating to allowance for work by misdemeanants employed at State operated farm or farms including the State industrial farm for women.

[S 59]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. § 53-97 of the Code of Virginia is repealed.

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CHAPTER 89

An Act to amend and reenact §§ 65-38 and 65-39 as amended, of the Code of Virginia, and to further amend the Code by adding thereto, a section numbered 65-39.1 relating, respectively, to subrogation of employer to employee's right, protection of employer when employee sues third party and providing for apportioned sharing of the expenses and attorneys' fees in either such case.

[S 61]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 65-38 and 65-39, as amended, of the Code of Virginia, be amended and reenacted and that the Code be amended by adding thereto a section numbered 65-39.1, as follows:

§ 65-38. The making of a lawful claim against an employer for compensation under this Act for the injury or death of his employee shall operate as an assignment to the employer of any right to recover damages which the injured employee or his personal representative or other person may have against any other party for such injury or death, and such employer shall be subrogated to any such right and may enforce, in his own name or in the name of the injured employee or his personal representative, the legal liability of such other party. The amount of compensation paid by the employer or the amount of compensation to which the injured employee or his dependents are entitled shall not be admissible as evidence in any action brought to recover damages. Any amount collected by the employer under the provisions of this section in excess of the amount paid by the employer or for which he is liable shall be held by the employer for the benefit of the injured employee or other person entitled thereto, less a *proportionate share of* such amounts as are paid by the employer for reasonable expenses and attorney's fees *as provided in § 65-39.1.* No compromise settlement shall be made by the employer in the exercise of such right of subrogation without the approval of the Industrial Commission and the injured employee or the personal representative or dependents of the deceased employee being first had and obtained.

§ 65-39. In any such action by such employee, his personal representative or other person against any person other than the employer, the court shall, on petition or motion of the employer at any time prior to verdict, ascertain the amount of compensation paid and expenses for medical, surgical and hospital attention and supplies, and funeral expenses, incurred by the employer under the provisions of this Act, *and deduct therefrom a proportionate share of such amounts as are paid by the plaintiff for reasonable expenses and attorney's fees as provided in § 65-39.1;* and in event of judgment against such person other than the employer the court shall in its order require that the judgment debtor pay such compensation and expenses of the employer, *less said share of expenses and attorney's fees,* so ascertained by the court out of the amount of the judgment, so far as sufficient, and the balance, if any, to the judgment creditor.

§ 65-39.1. In any such action, or claim for damages, by such employee, his personal representative or other person against any person other than the employer, and in any such action brought, or claim asserted, by the employer under his right of subrogation provided for in § 65-38, if a recovery is effected, either by judgment or voluntary settlement, the reasonable expenses and reasonable attorneys' fees of such claimants shall be apportioned pro rata between the employer and the employee, his per-

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sonal representative or other person, as their respective interests may appear.

CHAPTER 90

An Act to amend and reenact § 54-58, as amended, of the Code of Virginia, relating to compensation and reimbursement of members of State Board of Bar Examiners and compensation of secretary and treasurer of the Board.

[S 69]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-58, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 54-58. The members of the Board shall each receive as compensation * *twenty-five* dollars per day for the time spent in the discharge of their duties as members, and shall be entitled to reimbursement for such of their actual expenses as are necessary and ordinarily incident to travel as members of the Board to be computed in accordance with article 1 (§ 14-1 et seq.) of chapter 1 of Title 14. The compensation of the secretary and treasurer shall be fixed by the Board, subject to the provisions of chapter 9 (§ 2-78 et seq.) of Title 2. The per diem and mileage of the members of the Board, the compensation of the secretary and treasurer, and the necessary expenses incurred in conducting the examinations, shall be paid by the secretary and treasurer out of the fund derived from fees paid by applicants. The compensation for services and expenses herein provided for shall not exceed the amount received as fees from applicants, which shall be fixed by the rules and regulations adopted by the Board, as hereinafter provided, relative to the examinations to be held by the Board.

CHAPTER 91

An Act to appropriate funds out of the Special Unemployment Compensation Administration Fund continued by § 60-102 of the Code of Virginia for the purchase of land, erection of a building thereon and for required improvements, facilities, paving, landscaping and equipment in connection therewith; and to prescribe conditions for expenditure thereof.

[S 126]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. There is hereby appropriated out of the Special Unemployment Compensation Administration Fund continued by § 60-102 of the Code of Virginia of 1950 the sum of four hundred thousand dollars to be used under the direction of the Unemployment Compensation Commission or the successor thereto by whatever name known for the purpose of preparing site and building plans, acquiring land and erecting a building thereon for the use of such Commission or successor thereto and for such improvements, facilities, paving, landscaping and equipment as may be required for its proper use and operation by such Commission or successor

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thereto. The construction of building will be in accordance with the Manual for Planning and Execution of Capital Outlays, Commonwealth of Virginia.

2. An emergency exists and this Act is in force from its passage.

CHAPTER 92

An Act to amend and reenact §§ 15-666.48 and 15-666.52 of the Code of Virginia, relating to temporary investment of proceeds of bond issues and to the deposit of or investment of certain funds.

[S 131]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 15-666.48 and 15-666.52 of the Code of Virginia be amended and reenacted as follows:

§ 15-666.48. Pending the application of the proceeds of any bonds authorized under the provisions of this chapter to the purpose or purposes for which such bonds have been authorized, all or any part of such proceeds may be invested, upon resolution of the governing body of the unit authorizing such bonds, in securities that are legal investments under the laws of the Commonwealth for public sinking funds, which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than twenty-four months after the date of such investment. Any security so purchased as investment of the proceeds of such bonds shall be deemed at all times to be a part of such proceeds, and the interest accruing thereon and any profit realized from such investment shall be credited to such proceeds. Any security so purchased shall be held by the treasurer or chief financial officer of the unit *as custodian thereof or by the trust department of a bank or trust company, designated by the governing body of the county and authorized to conduct a trust business in this State, as custodian thereof in safe keeping for the account of the treasurer,* and shall be sold by * *such treasurer or financial officer* upon resolution of the governing body of the unit directing such sale, at the best price obtainable, or presented for redemption, whenever it shall be necessary, as determined by such resolution, so to do in order to provide moneys to meet the purposes for which the bonds of the unit shall have been authorized.

§ 15-666.52. All proceeds received from the sale of bonds of any unit issued under the provisions of this chapter and all moneys collected for the payment of bonds issued under the provisions of this chapter, whether from the proceeds of taxes levied for such purpose or from revenues or special assessments pledged for such purpose, *shall be deposited in escrow with some solvent bank or trust company in this Commonwealth which shall be acceptable to the governing body or* shall be deposited in a solvent bank or banks in conformity with their charters in the case of municipalities and general law in the case of counties, and shall be secured either by a surety bond or bonds given the governing body for the protection of the deposit written by some solvent surety or fidelity company authorized to do business in the Commonwealth, or by the deposit as collateral security of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States Government, or other marketable securities eligible as security for the deposit of trust funds under regulations of the Board of Governors of the Federal Reserve System, having a market value (exclusive of accrued

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interest) not less than the amount of such deposit. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as a depository of such moneys to furnish such surety bonds or to pledge such securities as may be required by the governing body. In lieu of retaining such moneys on deposit, the governing body may invest all or part of such moneys in securities that are legal investments under the laws of the Commonwealth for public sinking funds, which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than twenty-four months after the date of such investment.

CHAPTER 93

An Act to amend the Code of Virginia by adding thereto section numbered 58-943.3, and to amend and reenact § 58-945 of the Code of Virginia; the new section authorizing the governing bodies of counties to provide that certain county-owned securities may be held by custodians, providing who may be such custodians, and prescribing certain conditions for the sale and purchase of securities by such custodians; and the amended section relating to the deposit of securities pledged by depositories and custodians of counties.

[S 132]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto section numbered 58-943.3, and that § 58-945 of the Code of Virginia be amended and reenacted, as follows:

§ 58-943.3. Notwithstanding any other provision of law to the contrary, the governing body of any county may by resolution provide that any or all securities owned by the several funds of such county may be held either by the treasurer of such county as custodian thereof or by the trust department of a bank or trust company designated by the governing body and authorized to conduct a trust business in this State, as custodian thereof in safe keeping for the account of the treasurer.

Every such custodian is authorized, when so directed by the governing body of the county, to sell any securities so held and, with the proceeds therefrom, or with other funds of the county coming into his or its hands pursuant to the provisions of this section, to purchase other securities; provided, however, that the terms of every such purchase and sale shall be as directed by the governing body of the county.

This section shall not be construed to relieve any such governing body from any requirement of law relating to the deposit and investment of county funds, except as herein provided.

All of the requirements and provisions of this article relating to the bonding of depositories and security to be given upon such bond shall apply mutatis mutandis to each bank and trust company which is a custodian under the provisions of this section.

§ 58-945. All securities pledged by any depository *or custodian* to protect money *or securities* deposited with it under the provisions of this article shall be deposited in escrow with some bank or trust company in this Commonwealth, other than the depository *or custodian,* which shall be acceptable to and approved by the depository *or custodian* and the county finance board and shall be accompanied by powers of attorney authorizing such bank or trust company, in event of any default by the depository

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or custodian, to deliver the securities to the county finance board and empowering such board to sell, transfer and deliver all or any part of such securities in such manner as it may elect for the satisfaction of any claim that may arise from such default.

CHAPTER 94

An Act to amend and reenact § 19-171 of the Code of Virginia, relating to summoning of petit jury in criminal cases.

[S 203]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 19-171 of the Code of Virginia be amended and reenacted as follows:

§ 19-171. The writ of venire facias in case of felony shall command the officer to whom it is directed to summon twenty persons of his county or corporation, to be taken from a list furnished him by the clerk issuing the writ, who are qualified in all respects to serve as jurors, to attend the court wherein the accused is to be tried on the first day of the next term thereof or at such other time as the court or judge may direct; *provided, however, the court shall not charge the grand jury in the presence of any person so summoned who shall be selected as a juror to try any person indicted by said grand jury. A violation of this provision shall constitute reversible error in any criminal case which is tried by a jury composed of one or more such veniremen.*

CHAPTER 95

An Act to amend and reenact § 58-792.1, as amended, of the Code of Virginia, relating to extension of time in certain counties for completion of reassessment.

[S 228]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-792.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-792.1. Notwithstanding the provisions of § 58-792, the judge of the circuit court of any county having a population in excess of two thousand inhabitants per square mile according to the last United States census or of any county having a population of not less than sixty-six hundred fifty and not more than sixty-seven hundred twenty-five *or of any county having a population of not less than nineteen thousand and not more than twenty thousand or of any county having a population of more than twenty-eight thousand and not more than twenty-nine thousand* or of any county having a population of not less than forty-one thousand four hundred fifty and not more than forty-two thousand may, for good cause shown, extend the time for completing the reassessment and complying with the provisions of such section for a period of not exceeding four months from the thirty-first day of December of the year of such reassessment.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 96

An Act to affirm and ratify the conveyance of certain lands owned by the Medical College of Virginia, a Virginia corporation, to the Commonwealth of Virginia, State Hospital Board.

[S 275]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the General Assembly of Virginia hereby affirms and ratifies the act of the Medical College of Virginia, a Virginia corporation, in conveying to the Commonwealth of Virginia, State Hospital Board, by deed dated March 4, 1959, certain lands situated in the city of Richmond for the purposes of the Institute for Emotionally Retarded Children.

2. An emergency exists and this act is in force from its passage.

CHAPTER 97

An Act to amend and reenact § 18-225 of the Code of Virgina, to prohibit any person from going upon or remaining upon the lands, buildings or premises of another, or certain parts, portions or areas thereof, after having been forbidden to do so, and to prescribe penalties for violations.

[S 339]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 18-225 of the Code of Virginia be amended and reenacted as follows:

§ 18-225.—If any person shall without authority of law go upon or remain upon the lands, *buildings* or premises of another, *or any part, portion or area thereof,* after having been forbidden to do so, *either orally or in writing,* by the owner, lessee, custodian or other person lawfully in charge * *thereof,* or after having been forbidden to do so by a sign or signs posted on * *such lands, buildings, premises or part, portion or area thereof* at a place or places where *it or* they may be reasonably seen, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one * *thousand* dollars or by confinement in jail not exceeding * *twelve months,* or by both such fine and imprisonment.

This section shall not be construed to affect in any way the provisions of §§ 29-165 to 29-170.

2. An emergency exists and this act is in force from its passage.

CHAPTER 98

An Act to amend the Code of Virginia by adding thereto a new section numbered 18-225.2, to prohibit any person from (1) soliciting or encouraging another or others to trespass upon certain property or (2) interfering with the rendition of service on certain property, and to prescribe penalties for violations.

[S 340]

Approved February 25, 1960

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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a new section numbered 18-225.2 as follows:

§ 18-225.2.—If any person shall solicit, urge, encourage, exhort, instigate or procure another or others to go upon or remain upon the lands, buildings, or premises of another, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person or persons to have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen; or if any person shall, on such lands, buildings, premises or part, portion or area thereof prevent or seek to prevent the owner, lessee, custodian, person in charge or any of his employees from rendering service to any person or persons not so forbidden, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by confinement in jail not exceeding twelve months, or by both such fine and imprisonment.

2. An emergency exists and this act is in force from its passage.

CHAPTER 99

An Act to amend the Code of Virginia by adding thereto a new section numbered 18-7.1, to prohibit a person from conspiring, confederating or combining with another or others to trespass upon certain property and to provide penalties for violations.

[S 341]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a new section numbered 18-7.1 as follows:

§ 18-7.1.—If any person shall conspire, confederate or combine with another or others in this State to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by confinement in jail not exceeding twelve months, or by both such fine and imprisonment.

Jurisdiction for the trial of any such person shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

2. An emergency exists and this Act is in force from its passage.

CHAPTER 100

An Act to amend and reenact §§ 62-106.7 and 62-106.8, as amended, of

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the Code of Virginia, relating to powers of the Virginia State Ports Authority.

[H 120]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 62-106.7 and 62-106.8, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 62-106.7. Through the Board, the State of Virginia may engage in promoting, developing, constructing, equipping, maintaining, and operating the harbors or seaports within the State, or its jurisdiction, by means of acquiring or constructing, maintaining and operating at such seaports or harbors water craft and terminal facilities necessary or useful in connection therewith. The Authority is charged with the accomplishment of the following general purposes, all or any of them, which are intended to broaden, and not to restrict, any other powers given to it in this chapter, namely:

(a) To develop and improve the harbors or seaports of this State for the handling of water-borne commerce from and to any part of the State of Virginia and other states and foreign countries;

(b) To acquire, construct, equip, maintain, develop and improve such harbors or seaports and their port facilities and to issue revenue bonds for these purposes;

(c) To foster and stimulate the shipment of cargoes and commerce through such ports, whether originating within or without the State of Virginia, including the investigation and handling of matters pertaining to all transportation rates and rate structures affecting the same;

(d) To compile and disseminate in a single publication, so far as practicable, all port charges, rules and practices in effect at the several ports in this State;

(e) To cooperate with the United States of America, and any agency, department, corporation or instrumentality thereof, in the maintenance, development, improvement and use of such harbors and seaports;

(f) To accept funds and property from persons, counties, cities and towns, and to use the same in such manner, within the purposes of the Authority, as shall be stipulated by the grantor, and to act as agent or instrumentality for any of such persons, counties, cities or towns in any matter coming within the general purposes of such Authority; counties, cities and towns are hereby authorized to make grants to the Authority for its purposes and to appoint it as agent;

(g) To act as agent for the United States of America, or any agency, department, corporation or instrumentality thereof, in any matter coming within the purposes or powers of the Authority;

(g1) To issue revenue bonds for the acquisition, construction, reconstruction or control of harbors, seaports and their port facilities;

(h) And in general to do and perform any act or function which may tend to or be useful toward the development and improvement of the harbors and seaports of this State, and to the increase of commerce, foreign and domestic, through its harbors and seaports;

(i) But the Authority shall not be authorized or empowered to expend funds appropriated by the General Assembly on, nor to incur any indebtedness on account of, improvement, repair, maintenance, or addition to real or personal property belonging to anyone other than the Authority or the Commonwealth of Virginia, *or a political subdivision of the Commonwealth of Virginia,* unless the use of such property is guaranteed to the Authority, or the Commonwealth of Virginia by a lease, extending beyond the useful life of the improvement, repair, maintenance or addition or of any new facility erected thereon.

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§ 62-106.8. In order to enable it to carry out the purposes of this chapter, the Authority, but without pledging the faith and credit of the Commonwealth of Virginia:

(a) Is vested with the powers of a body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same as may be deemed expedient;

(b) Is authorized and empowered to rent, lease, buy, own, acquire * and dispose of such property, real or personal, as the Authority deems proper to carry out the purposes and provisions of this chapter, all or any of them and to issue revenue bonds for buying or acquiring such property; *and to lease to another such part or all of its property, real or personal, for such period or periods of years, upon such terms and conditions, with or without an option on the part of the lessee to purchase any or all of the leased property at such price, at or after the retirement of all indebtedness incurred by the Authority on account thereof, as the Authority shall determine.*

(c) Is authorized and empowered to acquire, construct, maintain, equip and operate any wharves, docks, ships, piers, quays, elevators, compressors, refrigeration storage plants, warehouses and other structures, and any and all facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto, and the construction of shipping facilities, and transportation facilities incident thereto and useful or convenient for the use thereof and to issue revenue bonds for these purposes;

(d) May appoint and employ and dismiss at pleasure such employees as it may select. The Authority may retain legal counsel, subject to the approval of the Attorney General, to represent the Authority in rate cases and all other hearings, controversies, or matters involving the interests of the Authority and the furtherance of its duties;

(e) Is authorized to establish and maintain a traffic bureau or other office to investigate and seek improvement in rates, rate structure, practices and charges affecting the Virginia ports so as to increase the commerce of such ports;

(f) Is authorized and empowered to apply for and accept grants or loans of money or other property from any federal agency for any and all of the purposes authorized in this chapter, and to expend or use the same in accordance with the directions and requirements attached thereto or imposed thereon by any such federal agency;

(f1) Is authorized and empowered to issue periodicals and to carry and charge for advertising therein;

(f2) Is authorized to establish and maintain branch offices within and without the State and the United States;

(f3) Is authorized to employ, fix and pay compensation of employees within and without the State and the United States without regard to whether such employees are citizens of the United States;

(f4) Is authorized to issue revenue bonds for the acquisition, construction, reconstruction or control of harbors, seaports and facilities used in connection therewith;

(g) Is vested with power to adopt, alter or repeal its own by-laws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, and may provide for the appointment of such committees, and the functions thereof, as the Authority may deem necessary or expedient in facilitating its business; and

(h) Is authorized and empowered to do any and all other acts and things in this chapter authorized or required to be done, whether or not included in the general powers in this section mentioned.

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CHAPTER 101

An Act to amend and reenact § 4-85, as amended, of the Code of Virginia, relating to importation of alcoholic beverages under customs bonds, holding the same in warehouses, and release of such beverages.

[H 155]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 4-85, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 4-85. (a) Alcoholic beverages may be imported into Virginia under United States customs bonds, and be held in Virginia in United States customs bonded warehouses; and alcoholic beverages may be removed from any such warehouse, wherever situated, to such a warehouse located in Virginia and be held in Virginia.

(b) Such alcoholic beverages so imported or removed to such warehouses in Virginia, shall be released from customs bonds in Virginia only on permits issued by the Board for delivery to the Board, or to other persons entitled to receive the same in Virginia, or to ships actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or trade between the United States and any of its possessions outside of the several states and the District of Columbia, or for shipment outside of the State, or for the official use of persons who are on duty in the United States as members of the armed forces of any foreign country, or for the personal use of any such person or of any member of his immediate family, authorized by federal laws and regulations to receive the same free of customs duties and internal revenue taxes.

(c) Persons * *operating United States* customs * *bonded warehouses* and holding * wholesale or retail licenses issued by the Board, are authorized to make sales and deliveries, in such reasonable quantities as the Board may determine, of alcoholic beverages held in customs bond to foreign armed forces personnel as provided in paragraph (b) of this section. Permits issued by the Board for release of and delivery of such alcoholic beverages to such persons shall also cover the transportation of such imported alcoholic beverages, either by such *operator of a* customs * *bonded warehouse,* or by the purchaser from such * *operator,* from *such* customs bonded warehouse to the place of duty or residence of such authorized persons.

(d) The Board shall have the power to make such regulations as it deems expedient or necessary for the purpose of carrying out the provisions of this section, and to insure that such alcoholic beverages shall be handled only in the manner provided by law.

CHAPTER 102

An Act to amend the Code of Virginia by adding thereto a section numbered 16.1-176.1, so as to provide for trial of a juvenile sixteen years of age or over by a court of record under certain circumstances.

[H 249]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 16.1-176.1, as follows:

§ 16.1-176.1. If a juvenile sixteen years of age or over, who has been

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previously committed to any juvenile training school in this State or any other state, is charged with an offense which, if committed by an adult, could be punishable by death or confinement in the penitentiary, the case shall be certified for proper criminal proceedings, if probable cause be found, to the appropriate court of record having jurisdiction of such offense if committed by an adult, unless the juvenile and domestic relations court shall find and shall certify in its order that it is in the public interest for the matter to be disposed of therein.

CHAPTER 103

An Act to amend the Code of Virginia by adding thereto a section numbered 16.1-178.2, so as to permit juvenile and domestic relations courts and the Department of Welfare and Institutions to commit certain juveniles to the Department of Mental Hygiene and Hospitals under certain circumstances.

[H 250]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 16.1-178.2, as follows:

§ 16.1-178.2. Notwithstanding any other provisions of law, when any juvenile and domestic relations court has adjudged as delinquent a juvenile coming within the provisions of paragraphs (g), (h) and (i) of subsection (1) of § 16.1-158, and is satisfied that he or she is a mental defective, such court may commit such juvenile to an appropriate State hospital for observation as to his or her mental condition, whereupon the proceedings shall be in accordance with the provisions of §§ 37-99 to 37-102, inclusive, of the Code of Virginia, and to that end, such juvenile and domestic relations court judge is hereby vested with the powers of commitment set forth in § 37-102. After commitment of any juvenile to the State Board of Welfare and Institutions, if the Department of Welfare and Institutions finds, as a result of psychiatric examinations and case study, that such juvenile is a mental defective, it may transfer such juvenile to an appropriate State hospital for observation as to his or her mental condition, whereupon the proceedings shall be in accordance with the provisions hereof.

CHAPTER 104

An Act to amend and reenact § 4-22 of the Code of Virginia, relating to method of distribution of net profits of Alcoholic Beverage Control Board.

[H 257]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 4-22 of the Code of Virginia be amended and reenacted as follows:

§ 4-22. The net profits derived under the provisions of this chapter shall, after deducting therefrom such sums as may be allowed the Board by the Governor for the creation of a reserve fund not exceeding the sum

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of one million dollars in connection with the administration of this chapter and to provide for the depreciation on the buildings, plant and equipment owned, held or operated by the Board, be transferred by the Comptroller to the general fund of the State treasury quarterly, within fifty days after the close of each quarter. When such moneys so transferred by the Comptroller to the general fund of the State treasury shall during any fiscal year exceed the sum of seven hundred and fifty thousand dollars, two-thirds of all moneys in excess of seven hundred and fifty thousand dollars so transferred and so paid into the general fund of the State treasury during such fiscal year shall be apportioned *by the Comptroller* and distributed by *warrants of the Comptroller drawn on* the Treasurer of Virginia * to the several counties, cities and towns of the Commonwealth, on the basis of the population of the respective counties, cities and towns, according to the last preceding United States census, for which purpose such portion of the moneys is hereby appropriated. If the population of any city or town shall have been increased through the annexation of any territory since the last preceding United States census, such increase shall, for the purpose of this chapter, be added to the population of such city or town as shown by the last preceding United States census and a proper reduction made in the population of the county or counties from which the annexed territory was acquired. The judge of the circuit court of the county in which the town or greater part thereof seeking an increase under the provisions of this chapter is located is hereby authorized and empowered to appoint two disinterested persons as commissioners, who shall proceed to determine the population of the territory annexed to the town as of the date of the last preceding United States census, and report their findings to the court, and future distributions of the moneys allocated under the provisions of this chapter shall be made in accordance therewith.

The term "net profits" as used in this section shall mean the total of all moneys collected by the Board less all costs, expenses and charges authorized by § 4-23, other than capital expenditures for buildings, plants and equipment.

CHAPTER 105

An Act to amend and reenact § 55-24, as amended, of the Code of Virginia, relating to time of objections to irregularities in advertising sales made by trustees.

[H 329]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 55-24, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 55-24. All deeds made and executed prior to January first, nineteen hundred and * *forty,* by trustees conveying property sold under deeds of trust in which default was made in the debt secured and as to which irregularities in advertising such sales have occurred shall be held and the same are hereby declared valid in all respects, if otherwise valid according to law then in force, after the expiration of fifteen years from the date on which such sale was made by such trustees.

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CHAPTER 106

An Act to amend and reenact § 14-133, as amended, of the Code of Virginia, relating to fees in civil cases in county and municipal courts.

[H 361]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-133, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-133. Fees in civil cases for services performed by the judges or clerks of county courts, municipal courts and police justice courts, or by justices of the peace in the event any such services are performed by such justices in civil cases, shall be as follows, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided:

(1) For all court and justice of the peace services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, $3.00 unless otherwise provided in this section, which shall include the fee prescribed by § 16.1-115. *No such fee shall be collected in any tax case instituted by any county, city or town.*

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any justice of the peace or other issuing officer shall collect the foregoing fee at the time of issuing process. He may deduct therefrom a justice of the peace (or other issuing officer) fee of $1.25 for his services in the case. He shall remit the remainder promptly to the court to which such process is returnable, or to its clerk. Any sheriff, city sergeant, or other officer serving process shall collect the foregoing court fee before serving any notice of motion of judgment, which fee he shall remit on or before the return day of such motion to the court to which such motion is returnable, or to its clerk, except that no fee shall be collected in tax cases until after process has been served. When no service of process is had as to any defendant served by notice of motion for judgment, the officer serving process shall return such notice of motion and the court fee collected by him to the plaintiff or his counsel. The foregoing court fee shall not include the service fee of any sheriff, city sergeant, or other officer serving process, but the person issuing process shall accept and forward any such service fees when tendered at the time of issuing process. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; *provided, however, reissuance of such process shall be within three months after the original return day and regardless of whether the original process was issued before or after this act takes effect.*

(2) For granting each continuance except the first of any warrant or other proceeding pending before the court, fifty cents, but if the continuance is at the instance and for the convenience of the judge, the fee shall not be charged. Such fee shall be paid by the party requesting the continuance, and shall not be taxed as a part of the costs.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by justices of the peace such fees shall be the only fees charged by such justices for the prescribed services.

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CHAPTER 107

An Act to amend the Code of Virginia by adding thereto a section numbered 58-792.3, relating to extension of time for completion of general reassessment in certain counties.

[H 497]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 58-792.3, as follows:

§ 58-792.3. Notwithstanding the provisions of § 58-792, the judge of the circuit court of any county having a population of more than thirty-one thousand but less than thirty-two thousand may, for good cause shown, extend the time for completing the reassessment and complying with the provisions of such section for a period of not exceeding four months from the thirty-first day of December of the year of such reassessment.

2. An emergency exists and this act is in force from its passage.

CHAPTER 108

An Act to amend and reenact § 20-91, as amended, Code of Virginia, relating to grounds for divorce from the bond of matrimony.

[S 54]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20-91, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 20-91. A divorce from the bond of matrimony may be decreed:

(1) For adultery, or sodomy or buggery;

(2) For natural or incurable impotency of body existing at the time of entering into the matrimonial contract;

(3) Where either of the parties subsequent to the marriage has been sentenced to confinement in the penitentiary of this State or of any other state of the United States or to confinement in a penitentiary of the United States, and cohabitation has not been resumed after such confinement (in which case no pardon granted to the party so sentenced shall restore such party to his or her conjugal rights);

(4) Where prior to the marriage, either party, without the knowledge of the other, had been convicted of an infamous offense;

(5) Where either party charged with an offense punishable with death or confinement in the penitentiary has been indicted, is a fugitive from justice, and has been absent for two years;

(6) Where either party wilfully deserts or abandons the other for one year such divorce may be decreed to the party abandoned;

(7) Where, at the time of the marriage, the wife without the knowledge of the husband was with child by some person other than the husband; *

(8) Where prior to the marriage the wife had been, without the knowledge of her husband, a prostitute, such divorce may be decreed to the husband; *and*

(9) On the application of either party if and when the husband and wife have lived separate and apart without any cohabitation and without interruption for three years, and at the time of separation were each resi-

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dent and domiciled in Virginia. Divorce on this ground shall not be granted where service of process is by publication.

CHAPTER 109

An Act to fix the salary of the Auditor of Public Accounts and to appropriate funds therefor.

[H 92]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. On and after March one, nineteen hundred sixty and until July one, nineteen hundred sixty, the salary of the Auditor of Public Accounts shall be paid in semimonthly installments in such amount as to equal on an annual basis a salary of fourteen thousand dollars per annum, which compensation shall be in lieu of any other compensation from any other source.

2. There is hereby appropriated from the general fund of the State treasury the sum of six thousand dollars to be expended for the purposes of this act.

3. An emergency exists and this act is in force from its passage.

CHAPTER 110

An Act to amend and reenact § 46.1-357 of the Code of Virginia, relating to licensing persons under eighteen and allowing cities to prohibit them from driving so as to allow certain counties to prohibit such persons from driving.

[H 103]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-357 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-357. (a) No operator's license shall be issued to any person under the age of eighteen years except as hereinafter provided and no chauffeur's license shall be issued to any person under the age of eighteen years except that:

(1) An operator's license may be issued to a minor over the age of 15 years and under the age of eighteen years upon proper application therefor and upon satisfactory evidence that the minor is mentally, physically and otherwise qualified to drive a motor vehicle with safety. The application must be signed by the father and the mother of the applicant, except that if there be only one surviving parent or one parent has sole custody of the minor, as indicated by an appropriate statement on the application, or if in any case the Commissioner determines that for good cause it is not feasible to secure the signature of both parents, it shall be sufficient that the application be signed by the surviving parent, or parent having sole custody of the minor, or the parent whose signature can be obtained, otherwise by the guardian having custody of such minor or in the event a minor under the age of eighteen years has no father, mother or guardian, then an operator's license shall not be issued to the minor unless his application therefor is signed by the judge of the juvenile and

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domestic relations court of the city or county in which the applicant resides. Any father and mother, surviving parent, parent having custody, or, in the discretion of the Commissioner, either parent, in case both are not present within the State, or guardian, as the case may be, may thereafter file with the Division a written request that the license of said minor so granted be cancelled. Thereupon, the Division shall cancel the license of said minor and such license shall not thereafter be reissued by the Division until a period of six months has elapsed from the date of cancellation. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations court. If it appears that such minor has been adjudged not innocent of the offense alleged the Division shall not issue a license without the written approval of the judge of the juvenile and domestic relations court making an adjudication as to such minor or the like approval of a similar court of the county or city in which the parent, guardian, or employer respectively of the child resides.

(2) The Division upon receiving from any person over the age of fifteen years an application for a temporary instruction permit may in its discretion issue such a permit entitling the applicant while having such a permit in his immediate possession, to drive a motor vehicle upon the highways for a period of ninety days and to students in a public or parochial school driver training course which has been approved by the State Department of Education, for a period of 180 days, when accompanied by a licensed operator or chauffeur who is actually occupying a seat by the driver.

(b) No minor under the age of eighteen years shall drive a motor vehicle on the streets, *roads, highways* and alleys of any city, *or of any county having a population greater than one hundred and thirty thousand* in this State if prohibited from so doing by a proper city *or county* ordinance.

CHAPTER 111

An Act to amend and reenact § 38.1-192 of the Code of Virginia, relating to investments of domestic insurers to authorize investments in obligations of agencies or instrumentalities of the United States of America.

[H 126]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-192 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-192. Any such insurer may invest its funds in bonds, notes, warrants and other securities which are direct obligations of the United States of America, *or any agency or instrumentality thereof,* or for which the faith and credit of the United States of America, *or any agency or instrumentality thereof,* is pledged for the payment of principal and interest.

CHAPTER 112

An Act to repeal § 38.1-286, as amended, of the Code of Virginia, relating to when premiums are to be collected on certain contracts.

[H 164]

Approved February 29, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 38.1-286, as amended, of the Code of Virginia is repealed.

CHAPTER 113

An Act to amend and reenact § 46.1-216 of the Code of Virginia, relating to duty of driver as to certain movements and stopping of motor vehicles and signals required therefor.

[H 195]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-216 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-216. Every driver who intends to start, *back,* stop, turn or partly turn from a direct line shall first see that such movement can be made in safety and whenever the operation of any other vehicle may be affected by such movement shall give * *such* signals as *are* required in §§ 46.1-217, 46.1-218 or 46.1-220, plainly visible to the driver of such other vehicle, of his intention to make such movement.

CHAPTER 114

An Act to amend and reenact § 8-293, as amended, of the Code of Virginia, relating to contradiction of a witness by prior inconsistent writing.

[H 196]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-293, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 8-293. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, relative to the subject matter of the proceeding, without such writing being shown to him; but if it is intended to contradict such witness by the writing his attention must, before such contradictory proof can be given, be called to the particular occasion on which the writing is supposed to have been made, and he may be asked if he did not make a writing of the purport of the one to be offered to contradict him, and if he denies making it, or does not admit its execution, it shall then be shown to him, and if he admits its genuineness, he shall be allowed to make his own explanation of it; but it shall be competent for the court at any time during the trial to require the production of the writing for its inspection, and the court may thereupon make such use of it for the purpose of the trial as it may think best. The provisions of this section shall apply to criminal as well as civil cases. But this section is subject to this qualification, that in an action to recover for a personal injury or death by wrongful act or neglect, no ex parte affidavit or statement in writing other than a deposition, after due notice, of a witness as to the facts or circumstances attending the wrongful act or neglect complained of, shall be used to contradict him as a witness in the case *. *But nothing in this section shall be construed to prohibit the use of any such ex parte affidavit or statement in an action on an insur-*

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ance policy based upon a judgment recovered in a personal injury or death by wrongful act case.

CHAPTER 115

An Act to amend and reenact § 38.1-291 of the Code of Virginia, relating to exemptions from countersignature requirement as to certain insurance policies.

[H 207]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-291 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-291. The provisions of §§ 38.1-282 to 38.1-289 of this article, with respect to insurance companies and their agents, representatives and employees, do not apply to:

(1) Reinsurance contracts between insurance companies;

(2) Life insurance, annuities, accident and sickness insurance other than group accident and sickness insurance, title insurance, and ocean marine insurance;

(3) Insurance of subjects located, resident, or to be performed wholly outside of this State, including insurance of vehicles or aircraft principally garaged outside of this State;

(4) Insurance of the rolling stock and operating properties of railroads or of any liability or other risks incidental to the ownership, maintenance or operation thereof, but not exempting office buildings and warehouses which are rated and insured specifically; *

(5) Mutual assessment fire insurance companies operating under the provisions of Chapter 15 of this title; *or*

(6) Bid bonds issued by surety companies in connection with any public or private contract.

CHAPTER 116

An Act to amend and reenact § 38.1-208 of the Code of Virginia, relating to the limiting of certain investments of domestic insurers by the value of real property.

[H 241]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-208 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-208. No investment in evidences of indebtedness secured upon any real property referred to in paragraph (1) of § 38.1-207 shall at the time such investment is made exceed sixty-six and two-thirds per centum of the fair market value of the property as shown by an appraisement in writing made by at least two competent appraisers *except that if such real property is primarily improved by a single family residence and such evidences of indebtedness provide for amortization of principal, such amortization payments to be made annually or more frequently, over a period of not more than twenty-five years, such investment may be made*

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to an amount not exceeding seventy-five per centum of the fair market value of such real property as shown by such appraisement; and no investment in evidences of indebtedness secured upon any leasehold estate referred to in paragraph (2) of § 38.1-207 shall exceed fifty per centum of the fair market value of the estate as shown by an appraisement in writing made by at least two competent appraisers; provided, however, that any investment in evidences of indebtedness secured upon any such real property may exceed * *the percentage limitations of fair market value stated hereinabove,* and any investment in evidences of indebtedness secured upon any such leasehold estate may exceed fifty per centum of its fair market value, to the extent that the payment of such indebtedness is guaranteed by the Administrator of Veterans' Affairs under the provisions of Title III of an Act of the Congress of the United States, approved June twenty-two, nineteen hundred forty-four, entitled the "Servicemen's Readjustment Act of 1944", as amended.

CHAPTER 117

An Act to amend the Code of Virginia by adding a section numbered 38.1-363.1, relating to fire insurance policies so as to exclude loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination.

[H 271]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 38.1-363.1 as follows:

§ 38.1-363.1. The standard policy of fire insurance prescribed by this title shall not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, whether directly or indirectly resulting from an insured peril under such policy. Insurers issuing any such policies of fire insurance are authorized to affix thereto or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under said policy; provided, however, that nothing herein contained shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination.

CHAPTER 118

An Act to amend and reenact § 20.03 of Chapter 141 of the Acts of Assembly of 1958, approved March 3, 1958, which chapter provided a new charter for the city of Newport News, the section relating to the appointments, terms, and compensation of the Board of Review of real estate assessments of the city of Newport News.

[H 284]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20.03 of Chapter 141 of the Acts of Assembly of 1958, approved March 3, 1958, be amended and reenacted as follows:

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§ 20.03. Notwithstanding any provision of §§ 58-895 to 58-902, 58-914 Code of Virginia, the Courts of Record en banc of the City or the judges thereof in vacation shall, annually, appoint for said City, a Board of Review of real estate assessments to be composed of three members, who shall be freeholders of the City for which they serve. The terms of such members shall commence on * *September first of the year in which they are appointed* and shall expire on the thirtieth day of November of the year in which they are appointed, unless their terms are extended. The said courts or the judges thereof in vacation may extend the terms of the members of the said board of review and shall fill any vacancy therein for the unexpired term. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board to be fixed by the council of the City, and to be paid out of the treasury of the City, and the council may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board.

2. An emergency exists and this act is in force from its passage.

CHAPTER 119

An Act to amend and reenact §§ 46.1-12, 46.1-58 and 46.1-107 of the Code of Virginia, relating to regulations and requirements for certain equipment used on a motor vehicle.

[H 316]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-12, 46.1-58 and 46.1-107 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-12. The person in charge of any garage or repair shop shall within twenty-four hours report to the State Superintendent of Police any motor vehicle, other than an authorized police or fire department vehicle, brought to his place of business upon which is discovered any * bullet-proof glass or any smoke screen device of any nature.

§ 46.1-58. The Division shall suspend the registration of any motor vehicle, trailer or semitrailer which the Division or the Department of State Police shall determine is not equipped with proper brakes, proper lights, proper horn or warning device, *or* proper electrical or mechanical signalling device *or safety glass* when * required by law, *or* proper mirror, proper muffler, proper windshield wiper, or proper steering gear adequate to insure the safe movement of the vehicle as required by this title or when such vehicle is equipped with a smoke screen device or cutout or when such motor vehicle, trailer or semitrailer is otherwise unsafe to be operated.

§ 46.1-107. Every license plate shall at all times be securely fastened to the motor vehicle, trailer or semitrailer to which it is assigned so as to prevent the plate from swinging *, in a position to be clearly visible, and in a condition to be clearly legible. Insignia, emblems, or trailer hitches or couplings shall not be mounted in such a way that any portion of the license is illegible. The Superintendent may make such rules and regulations as he may deem advisable to enforce the proper mounting and securing of the license plate on the vehicle.

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CHAPTER 120

An Act to amend and reenact §§ 46.1-290 and 46.1-301 of the Code of Virginia, relating to safety regulations for certain equipment used on motor vehicles.

[H 317]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-290 and 46.1-301 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-290. (a) No person shall operate upon a highway any motor vehicle or combination of vehicles having a * *licensed* gross weight in excess of * *forty* thousand * pounds which motor vehicle or combination of vehicles is not equipped with rear fenders, flaps or guards which shall be of such size as will substantially prevent the projection of rocks, dirt, water or other substances to the rear. * Vehicles used exclusively for hauling logs shall be exempt from the provisions of this section.

(b) "Gross weight" for the purpose of this section includes the load upon such motor vehicle or combination of vehicles.

§ 46.1-301. *(a)* No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with * *an exhaust system* of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. * *An exhaust system* shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment * *exhaust system* of private passenger motor vehicles or trucks of standard make.

(b) The term "exhaust system", as used in this section, means all the parts of a motor vehicle through which the exhaust passes after leaving the engine block.

CHAPTER 121

An Act to amend and reenact § 46.1-36 of the Code of Virginia, relating to the retention and destruction of certain records in the office of the Division of Motor Vehicles.

[H 318]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-36 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-36. The Commissioner of the Division of Motor Vehicles, with the approval of the Governor, may, * *destroy any paper or record which is unnecessary to preserve as a permanent record.*

CHAPTER 122

An Act to amend the Code of Virginia by adding thereto a section num-

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Be it enacted by the General Assembly of Virginia:

1. That §§ 58-921, 58-925, and 58-928 of the Code of Virginia be amended and reenacted as follows:

§ 58-921. No county treasurer shall refuse to pay any warrant legally drawn upon him and presented for payment for the reason that a warrant of prior presentation has not been paid, when there shall be *appropriated* money in the treasury belonging to the fund drawn upon *available and* sufficient to pay such prior warrant and also the warrant so presented; but such treasurer shall, as he may receive money into the treasury belonging to the fund so drawn upon, set the same apart for the payment of warrants previously presented and in the order presented. He shall receive in payment of the county levy any county warrant drawn in favor of any taxpayer, whether such warrant has been entered in the treasurer's book or not, but if the warrant has been transferred it shall be subject to any county levy owing by the taxpayer in whose favor the same was issued. When the warrant is for a larger sum than the county levy due from the payee or transferee of the warrant, the treasurer shall endorse on the warrant a credit for the amount of the county levy so due and such payee or transferee shall execute to the treasurer a receipt for such amount, specifying the number and date of the warrant on which it was credited; and the residue of the warrant shall be paid according to the order of its entry in the treasurer's book. *Copies of all appropriations, and ordinances and resolutions appropriating funds by the governing body, shall be delivered to the treasurer by the clerk of the governing body.*

§ 58-925. The treasurer shall receive the county levy in the manner prescribed for the receipt of the State revenue and shall, at the August meeting of the board of supervisors or other governing body of the county, or within thirty days thereafter, settle with the supervisors or other such body his accounts for that year; and out of the balance shown to be in his hands upon the settlement he shall at once pay all warrants drawn on the * *appropriations* for that year not previously paid, in the order of their presentation. And when his term of office expires or if he die, resign or be removed from office, he, upon the expiration of his term of office, resignation, or removal, or his personal representative, upon his death, shall immediately make such settlement, showing the amount in his hands to be accounted for and the fund to which the same belongs and deliver to his successor all bonds belonging to his office and all money belonging to the county.

§ 58-928. If any such treasurer fail to pay, upon presentation, any legal warrant, having in his hands at the time *appropriated* funds out of which the same ought to be paid, or fail to set apart necessary funds, when the same * *are appropriated and* come into his hands, for the payment thereof in its order, if listed under § 58-920, and to pay over the amount due upon such warrant as soon thereafter as the same may be again presented, the holder thereof may, on motion in his own name, in the circuit court of the treasurer's county, recover from him and his sureties the amount of such warrant, together with damages at the rate of ten per centum per month on the amount from the time such treasurer should have paid the same and the costs of such motion, including an attorney's fee of five dollars.

2. An emergency exists and this Act shall be in force on and after July 1, 1959.

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CHAPTER 52

An Act to amend and reenact §§ 58-839 and 58-844 of the Code of Virginia, relating to the fixing and making of county, city, town, and district levies by governing bodies; to provide that such levies shall be fixed or made not later than a regular or called meeting in June; and to provide that no funds collected from general levies shall be considered available, allocated, or expended for any purpose until there has been an appropriation of funds for that purpose by the governing body; and to add § 58-846.1 to the Code of Virginia, to provide that notice shall be given before any local tax levy shall be increased in any county, city, town or district.

[S 28]

Approved April 24, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-839 and 58-844 of the Code of Virginia be amended and reenacted and that § 58-846.1 be added to the Code of Virginia as follows:

§ 58-839. The board of supervisors or other governing body of each county shall, at their regular meeting in the month of January in each year, or as soon thereafter as practicable not later than a regular or called meeting in * *June,* fix the amount of the county and district levies for the current year, shall order the levy on all property within the county segregated by law for local taxation, and shall order the levy on the real estate and tangible personal property of public service corporations based upon the assessment fixed by the State Corporation Commission, and certified by it to the board of supervisors or other governing body, both with respect to location and valuation; any such governing body may provide that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in a tax of less than one dollar, such property may be omitted from the personal property book and no assessment made thereon. *

The making of a general county levy or the imposition of other taxes or the collection of such levy or taxes shall not constitute an appropriation nor an obligation or duty to appropriate any funds by the board of supervisors or other governing body of any county for any purpose, expenditure or contemplated expenditure. The laying or making of a levy in an amount sufficient to cover or pay all estimated and contemplated expenditures for the fiscal year shall not be construed as imposing any obligation or duty on the board of supervisors or other governing body to appropriate any amount whatsoever. No part of the funds raised by the general county levies or taxes shall be considered available, allocated or expended for any purpose until there has been an appropriation of funds for that expenditure or purpose by the board of supervisors or other governing body either annually, semiannually, quarterly, or monthly. There shall be no mandatory duty upon the board of supervisors or other governing body of any county to appropriate any funds raised by general county levies or taxes except to pay the principal and interest on bonds and other legal obligations of the county or district and to pay obligations of the county or its agencies and departments arising under contracts executed or approved by the board of supervisors or other governing body, unless otherwise specifically provided by statute. Any funds collected and not expended in any fiscal year shall be carried over to the succeeding fiscal years and shall be available for appropriation for any governmental purposes in those years.

§ 58-844. The council of every city and town shall annually cause

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to be made up and entered on their journals an account of all sums lawfully chargeable on the city or town which ought to be paid within one year and order a city or town levy of so much as in their opinion is necessary to be raised in that way in addition to what may be received for licenses and from other sources; any such governing body may provide that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in a tax of less than one dollar, such property may be omitted from the personal property book and no assessment made thereon. The levy so ordered may be upon the persons in the city or town above the age of twenty-one years, not exempt by law from the payment of the State capitation tax, and upon any property therein subject to local taxation and not expressly segregated to the State for purposes of State taxation only.

The making of a general city or town levy or imposition of other taxes or the collection of such levy or taxes shall not constitute an appropriation nor an obligation or duty to appropriate any funds by the council of any city or town for any purpose, expenditure, or contemplated expenditure. The laying or making of a levy in an amount sufficient to cover or pay all estimated and contemplated expenditures for the fiscal year shall not be construed as imposing any obligation or duty on the council to appropriate any amount whatsoever. No part of the funds raised by the general city or town levies or taxes shall be considered available, allocated, or expended for any purpose until there has been an appropriation of funds for that expenditure or purpose by the council either annually, semiannually, quarterly, or monthly. There shall be no mandatory duty upon the council of any city or town to appropriate any funds raised by general city or town levies or taxes except to pay the principal and interest on bonds and other legal obligations of the city or town and to pay obligations of the city or town or its agencies and departments arising under contracts executed or approved by the council, unless otherwise specifically provided by statute. Any funds collected and not expended in any fiscal year shall be carried over to the succeeding fiscal years and shall be available for appropriation for any governmental purposes in those years. This section shall be applicable to all cities and towns in the State and the provisions of any charter of any city or town inconsistent or in conflict with this section shall be inoperative to the extent of such inconsistency or conflict.

§ 58-846.1. Before any local tax levy shall be increased in any county, city, town, or district, such proposed increase shall be published in a newspaper having general circulation in the locality affected at least fifteen days before the increased levy is made and the citizens of the locality shall be given an opportunity to appear before, and be heard by, the local governing body on the subject of such increase.

2. An emergency exists and this Act is in force from its passage.

CHAPTER 53

An Act to encourage the education of the children of the Commonwealth by providing scholarships for the education of such children in nonsectarian private schools and in public schools located outside of the locality in which they reside; to provide for the manner in which such scholarships shall be made available and the extent of State and local participation in the payment of such scholarships; and to make unlawful the improper obtaining or expending of funds provided for such scholarships; and to repeal Chapter 56, Acts of Assembly, Extra Ses-

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sion 1956, and Chapter 7.1 of Title 22 of the Code, consisting of §§ 22-115.1 through 22-115.21, relating to grants for education of children in private schools.

[S 32]

Approved April 24, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. The General Assembly, mindful of the need for a literate and informed citizenry, hereby declares that it is the policy of this Commonwealth to encourage the education of all of the children of Virginia. In furtherance of this objective, the General Assembly finds that in addition to providing instruction in the public schools, it is desirable and in the public interest that scholarships should be provided from the public funds of the State and localities for the education of the children in nonsectarian private schools and in public schools located outside of the locality where the children reside.

§ 2. The governing body of each county, city or town, if the town be a separate school district approved for operation, shall appropriate out of the general tax revenues of the locality and out of funds made available to the locality for such purpose by the State such amounts as may be necessary to provide scholarships of at least the minimum amount specified by § 5 of this Act for children of school age residing in such locality within the meaning of § 22-218 of the Code of Virginia but who attend nonsectarian private schools in or outside such locality or public schools located outside such locality.

§ 3. The funds made available for such scholarships shall be expended by the local school boards pursuant to rules and regulations promulgated by the State Board of Education. Such funds shall be appropriated and recorded separately from funds made available to the school board for the maintenance and operation of the public schools and no funds appropriated for scholarships shall be used or be available to be used for the maintenance or operation of the public schools.

§ 4. The State Board of Education is hereby authorized and directed to promulgate rules and regulations for the administration of this Act. Such rules and regulations may prescribe the minimum academic standards that shall be met by any nonsectarian private school attended by a child to entitle such child to a scholarship, but shall not deal in any way with the requirements of such school concerning the eligibility of pupils who may be admitted thereto. The State Board of Education may also provide for the payment of such scholarships in installments and for their proration in the case of children attending school less than a full school year.

§ 5. The amount of the minimum scholarship to be provided out of joint State and local funds for each child for a full school year shall be two hundred and fifty dollars or the amount equal to the actual cost of tuition at the school attended by such child or the total cost of operation, excluding debt service and capital outlay, per pupil in average daily attendance in the public schools of the locality providing such scholarships, as determined by the Superintendent of Public Instruction for the school year 1958-1959, whichever of such three sums is the lowest. In the case of a locality in which public schools were closed during the school year 1958-1959 under the provisions of Chapter 68, Acts of Assembly, Extra Session 1956, the cost of operation for the school year 1957-1958 shall be used in making such computation. The locality shall contribute out of local tax revenues for each such scholarship provided for a child residing in such locality the amount obtained by multiplying the amount

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of the scholarship by the percentage which the expenditure out of local funds is of the total such cost per pupil in average daily attendance in such locality for the school year 1958-1959 or 1957-1958 as the case may be. The balance of such minimum scholarship shall be provided out of State funds appropriated to the locality for such purpose. The governing body of each county, city and town, if the town be a separate school district approved for operation, may appropriate from local revenues additional sums for the purpose of supplementing such minimum scholarships. The amount of the scholarship shall be paid to the parent or guardian of, or the person standing in loco parentis to, the child. The local school board shall require the recipients of the scholarship funds to furnish receipts or other evidence showing that the funds were expended for the purpose for which the scholarships were granted.

§ 6. It shall be unlawful for any person to obtain, seek to obtain, expend, or seek to expend, any scholarship funds for any purpose other than in payment of or reimbursement for the tuition costs for the attendance of his child or ward at a nonsectarian private school in or outside the locality making such scholarship grant or a public school located outside such locality. A violation of this section shall, except for offenses punishable under § 18-237 of the Code, constitute a misdemeanor and be punished as provided by law.

§ 7. If a locality fails to provide the scholarship funds under the provisions of this Act for those entitled thereto, the State Board of Education shall authorize and direct the Superintendent of Public Instruction, under rules and regulations of the State Board of Education, to provide for the payment of such scholarships on behalf of such locality. In such event the Superintendent of Public Instruction shall, at the end of each month, file with the State Comptroller and with the school board and the governing body of such locality a statement showing all disbursements so made on behalf of such locality, and the Comptroller shall from time to time as such funds become available deduct from other State funds appropriated for distribution to such locality the amount required to reimburse the State for expenditures incurred under the provisions of this section, provided that in no event shall any funds to which such locality may be entitled under the provisions of Title 63 of the Code or for the operation of public schools be withheld under the provisions of this section; and provided further that, except out of funds appropriated for distribution to such locality to assist it in providing the minimum scholarships under this Act, no greater amount shall be withheld on account of any scholarship paid directly by the State under the provisions of this section than the amount of the locality's share of the minimum scholarship.

2. That Chapter 56, Acts of Assembly, Extra Session 1956, and Chapter 7.1 of Title 22 of the Code of Virginia, consisting of §§ 22-115.1 through 22-115.21, and all amendments thereof, are hereby repealed.

CHAPTER 54

An Act to amend and reenact § 14-56.1 of the Code of Virginia, relating to compensation of members of county boards of supervisors.

[S 43]

Approved April 24, 1959

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Be it enacted by the General Assembly of Virginia:

1. That § 14-56.1 of the Code of Virginia be amended and reenacted as follows:

§ 14-56.1. After January one, nineteen hundred and sixty, the annual compensation to be allowed each member of the board of supervisors of any county, *to be determined by the board within the limits hereinafter set forth,* shall be as follows:

Accomack—six hundred dollars;

Albemarle—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;

Alleghany—nine hundred dollars;

Amelia—twelve hundred dollars;

Amherst—not less than six hundred nor more than seven hundred fifty dollars;

Appomattox—four hundred dollars;

Arlington— three thousand dollars;

Augusta—not more than one thousand dollars;

Bath—not less than three hundred nor more than six hundred dollars;

Bedford—not less than two hundred fifty nor more than six hundred dollars with an additional one hundred dollars to the chairman, and any member thereof who is responsible for the management of any county lake shall receive in addition to his regular compensation not more than one thousand dollars;

Bland—not less than three hundred nor more than five hundred dollars;

Botetourt—nine hundred dollars;

Brunswick—not less than five hundred nor more than six hundred dollars;

Buchanan—not less than six hundred nor more than one thousand dollars;

Buckingham—not less than four hundred nor more than one thousand dollars;

Campbell—not less than two hundred and fifty nor more than six hundred dollars with an additional one hundred dollars to the chairman, and any member thereof who is responsible for the management of any county lake shall receive in addition to his regular compensation not more than one thousand dollars;

Caroline—not more than one thousand dollars;

Carroll—not less than four hundred eighty nor more than twelve hundred dollars with an additional sixty dollars to the chairman;

Charles City—not more than four hundred dollars;

Charlotte —not less than three hundred nor more than six hundred dollars;

Chesterfield—not less than three hundred nor more than twelve hundred dollars;

Clarke—not more than three hundred dollars;

Craig—not more than four hundred dollars;

Culpeper—not less than two hundred and forty nor more than three hundred and fifty dollars;

Cumberland—not more than four hundred dollars;

Dickenson—not less than six hundred nor more than one thousand dollars;

Dinwiddie—not less than three hundred nor more than twelve hundred dollars;

Essex—not more than one thousand dollars;

Fairfax—not less than six hundred nor more than three thousand dollars, together with an allowance for the actual expense of secretarial services not to exceed fifty dollars per month;

Fauquier—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;

Floyd—six hundred dollars;

Fluvanna—not more than three hundred dollars;

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Franklin—four hundred and eighty dollars;
Frederick—not more than five hundred dollars with an additional sixty dollars to the chairman;
Giles—not less than one thousand nor more than twelve hundred dollars;
Gloucester—not more than eight hundred dollars;
Goochland—not more than four hundred dollars;
Grayson—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;
Greene—not more than four hundred dollars;
Greensville—not less than three hundred nor more than six hundred dollars;
Halifax—not less than three hundred nor more than six hundred dollars;
Hanover—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;
Henrico—not less than three hundred nor more than twelve hundred dollars;
Henry—six hundred dollars;
Highland—not more than four hundred dollars;
Isle of Wight—not more than eight hundred dollars;
James City—not more than four hundred dollars;
King and Queen—not more than one thousand dollars;
King George—not more than one thousand dollars;
King William—not more than four hundred dollars;
Lancaster—not more than one thousand dollars;
Lee—nine hundred dollars;
Loudoun—not * *less* than four hundred nor more than one thousand dollars and the board may fix a higher salary for the chairman than for the other members of the board;
Louisa—four hundred dollars;
Lunenburg—not more than six hundred dollars;
Madison—not more than four hundred dollars;
Mathews—not more than eight hundred dollars;
Mecklenburg—five hundred dollars;
Middlesex—not more than eight hundred dollars;
Montgomery—not more than five hundred dollars;
Nansemond—not more than eight hundred dollars;
Nelson—not more than six hundred dollars;
New Kent—not more than three hundred dollars;
Norfolk—not less than fifteen hundred nor more than twenty-four hundred dollars;
Northampton—six hundred dollars;
Northumberland—not more than one thousand dollars;
Nottoway—twelve hundred dollars;
Orange—not less than three hundred nor more than six hundred dollars;
Page—not less than three hundred nor more than six hundred dollars;
Patrick—five hundred dollars;
Pittsylvania—not less than six hundred and fifty dollars;
Powhatan—not more than six hundred dollars;
Prince Edward—not less than seven hundred and fifty nor more than twelve hundred dollars;
Prince George—not less than three hundred nor more than three hundred and fifty dollars;
Prince William—not less than six hundred nor more than eighteen hundred dollars;
Princess Anne—not less than three hundred nor more than twelve hundred dollars;
Pulaski—not more than nine hundred dollars;

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Rappahannock—not more than two hundred dollars;
Richmond—not more than one thousand dollars;
Roanoke—not more than nine hundred dollars;
Rockbridge—not less than four hundred nor more than six hundred dollars with an additional one hundred dollars to the chairman;
Rockingham—twelve hundred dollars;
Russell—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;
Scott—six hundred dollars;
Shenandoah—not more than six hundred dollars;
Smyth—not more than one thousand dollars;
Southampton—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;
Spotsylvania—not less than four hundred nor more than one thousand dollars;
Stafford—not less than six hundred nor more than one thousand dollars;
Surry—not more than four hundred dollars;
Sussex—not less than three hundred nor more than six hundred dollars;
Tazewell—not more than twelve hundred dollars;
Warren—not less than three hundred nor more than six hundred dollars;
Washington—six hundred dollars;
Westmoreland—not more than one thousand dollars;
Wise—not more than nine hundred dollars;
Wythe—not more than nine hundred dollars;
York—not less than three hundred nor more than six hundred dollars.

2. An emergency exists and this act is in force from its passage.

CHAPTER 55

An Act to amend and reenact § 46.1-65, as amended, of the Code of Virginia, relating to taxes and license fees imposed by counties, cities and towns upon motor vehicles, trailers and semitrailers.

[S 48]

Approved April 24, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-65, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 46.1-65. (a) Except as provided in § 46.1-66 counties, incorporated cities and towns may levy and assess taxes and charge license fees upon motor vehicles, trailers and semitrailers; provided that no such taxes and license fees shall be assessed or charged by any county upon vehicles of owners who are residents of any town located in such county which constitutes a separate school district approved for operation when such vehicles are already subject to town license fees and taxes. The amount of the license fee or tax imposed by any county, city or town upon any class of motor vehicles, trailers or semitrailers shall not be greater than the amount of the license tax imposed by the State on vehicles of like class. Such license fees and taxes shall be imposed in such manner, on such basis, and for such periods, as the proper authorities of such counties, cities and towns may determine, and subject to proration for fractional periods of years in the manner prescribed in § 46.1-165.

(b) The revenue derived from all county, city or town taxes and license fees imposed upon motor vehicles, trailers or semitrailers shall be

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applied to general county, city or town purposes, as the case may be, except that in any county having a population of more than eleven thousand four hundred but less than eleven thousand nine hundred, *or in any county having a population of more than thirty thousand but less than thirty-one thousand,* this revenue shall be paid into the school fund of such county.

(c) A county, incorporated city, or town may require that no motor vehicle, trailer or semitrailer shall be locally licensed unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semitrailer to be licensed have been paid which have been properly assessed or are assessable against the applicant by the county, incorporated city or town.

(d) If in any county imposing license fees and taxes under this section, a town therein imposes like fees and taxes upon vehicles of owners resident in such town, the owner of any vehicle subject to such fees or taxes shall be entitled, upon such owner displaying evidence that he has paid the amount of such fees or taxes, to receive a credit on the fees or taxes imposed by the county to the extent of the fees or taxes he has paid to such town. Nothing herein contained shall be construed as depriving any town now imposing such licenses and taxes from increasing the same or as depriving any town not now imposing the same from hereafter doing so, but subject to the limitations provided in the foregoing paragraph. The governing body of any county and the governing body of any town in said county wherein each impose the license tax herein provided may provide mutual agreements so that not more than one license tag in addition to the State tag shall be required.

Except as provided by this paragraph (d), no vehicle shall be subject to taxation under the provisions of this section in more than one jurisdiction.

2. An emergency exists and this act is in force from its passage.

CHAPTER 56

An Act to provide for the assessment and equalization of assessments of real estate in certain cities; to authorize the transfer to the assessor appointed pursuant to this act of the duties of the commissioner of the revenue in respect to the assessment of real estate, with power to make up the land books in such cities and to extend the taxes thereon; to provide for the appointment of boards of equalization in such cities and to prescribe their powers and duties; and to repeal certain acts.

[H 45]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. In any city having a population of more than twenty-five thousand and less than thirty-four thousand the council or other governing body of such city may, in lieu of the method now prescribed by law, provide for the annual assessment of real estate for taxation. To that end it may appoint a person or persons (hereinafter referred to as assessor) to assess such real estate for taxation, may prescribe the duties and term of office of such assessor, may require that he give his entire time to the duties of his office, may remove him for cause, may fix his compensation, which shall be payable out of the local treasury, and

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may provide for such technical and clerical assistance as may be necessary or advisable and for the payment of any other expenses that may be properly incident thereto. The annual assessments shall be completed by the assessor by the thirty-first day of December of the year in which they are made.

§ 2. All such real estate shall be assessed at its fair market value and the taxes for each year on such real estate shall be extended on the basis of the last assessment made prior to such year, subject to such changes as may have been lawfully made.

§ 3. The council of any such city may provide that all duties now devolved upon the commissioner of the revenue of such city with respect to the assessment of real estate shall be transferred to and devolve upon the assessor appointed pursuant to this act, and the assessor in such city shall prepare the land books and extend the taxes thereon and perform all the duties required by law to be performed by the commissioner of the revenue in respect to real estate assessments. The clerks of the courts of such cities shall furnish to the assessor of such city the list of real estate transfers now required to be furnished to the commissioner of the revenue.

§ 4. Notwithstanding the provisions of § 58-895 of the Code of Virginia, the corporation or hustings court of any such city in which an assessor is appointed under the provisions of this act, or the judge thereof in vacation, shall, annually, appoint for such city a board of equalization of real estate assessments, to be composed of three members, who shall be freeholders of the city for which they are to serve, and who shall be selected by the court or judge from the citizens of the city. The terms of such members shall commence on their appointment and shall expire on the thirty-first day of December of the year in which they are appointed, unless such terms are extended. Such court or judge thereof in vacation may extend the terms of the members of the board and shall fill any vacancy therein for the unexpired term. The members of the board shall receive such compensation for the time actually engaged in the duties of the board as may be fixed by the council of the city, and paid out of the treasury of the city; provided, however, the council of the city may limit the per diem compensation to such number of days as in its opinion is sufficient for the completion of the work of the board. Such board of equalization shall have and may exercise the power to revise, correct and amend any assessment of real estate made by the assessor in the year in which they serve, and to that end shall have all the powers conferred upon boards of equalization, by Chapter 19 of Title 58 of the Code of Virginia, and any acts amendatory thereof and supplemental thereto. Notwithstanding such chapter, however, the board of equalization may adopt any regulations providing for the oral presentation, without formal petitions or other pleading or requests for review, and looking to the further facilitation and simplification of proceedings before the board.

§ 5. Any person aggrieved by any assessment made by the assessor or the board of equalization may apply for relief in the manner provided by § 58-1145 of the Code of Virginia.

§ 6. This act shall not apply to any real estate assessable under law by the State Corporation Commission.

§ 7. All acts and parts of acts relating to the assessment of real estate in cities not in conflict with the provisions of this act shall apply to any assessment made pursuant to this act.

2. All acts and parts of acts in conflict with this act are repealed to the extent of such conflict.

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CHAPTER 57

An Act to amend and reenact §§ 13.1-94 and 13.1-128 of the Code of Virginia, relating, respectively, to liquidation of assets and business of corporations and to applicability of Title 13.1 of the Code of Virginia to certain corporations.

[H 46]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-94 and 13.1-128 of the Code of Virginia be amended and reenacted as follows:

§ 13.1-94. Any court of record, with general equity jurisdiction in the city or county where the registered office or principal office of a corporation is located, shall have full power to liquidate the assets and business of the corporation:

(a) In an action by a stockholder when it is established:

(1) That the directors are deadlocked in the management of the corporate affairs and the stockholders are unable to break the deadlock, and that irreparable injury to the corporation is being suffered or is threatened by reason thereof; or

(2) That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

(3) That as shown by the proceedings at any meeting of the stockholders the stockholders are deadlocked in voting power and that irreparable injury to the corporation is being suffered or is threatened by reason thereof; or

(4) That the corporate assets are being misapplied or wasted.

(b) In an action by a creditor:

(1) When the claim of the creditor has been reduced to judgment and an execution thereon returned unsatisfied and it is established that the corporation is insolvent; or

(2) When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(c) Upon application by a corporation which has filed a statement of intent to dissolve, as provided in this Act, to have its liquidation continued under the supervision of the court.

(d) Upon application by the board of directors when it is established that circumstances make it impossible to obtain a representative vote by stockholders on the question of dissolution and that the continuation of the business of the corporation is not in the interest of the stockholders but it is desirable in their interest that the assets and business be liquidated.

(e) When the Commission has instituted a proceeding for the involuntary dissolution of a corporation and entered an order finding that the corporation should be dissolved but that liquidation of its business and affairs should precede the entry of an order of dissolution.

(f) After dissolution, *pursuant to the provisions of this Act or any laws of this State in effect at any time prior to the effective date of this Act,* upon the application of any person, for good cause, with regard to any assets or business that may remain and the jurisdiction conferred by this clause may also be exercised by any such court in any city or county where any property may be situated whether of a domestic or of a foreign corporation that has been dissolved.

It shall not be necessary to make directors or stockholders parties to any such action or proceeding unless relief is sought against them personally.

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Any liquidation pursuant to the provisions of this section or other applicable provisions of law prior to the effective date of this amendment shall be held, and the same is hereby declared, valid and effective in all respects if otherwise valid according to the law then in force.

§ 13.1-128. *Unless otherwise provided,* the provisions of this Act shall apply to all corporations existing at the time this Act takes effect, whether domestic or foreign, and their stockholders. The provisions of this Act shall be a part of the charter of every corporation heretofore or hereafter organized in this State. In the case of foreign corporations, the certificate of authority to transact business in this State issued by the Commission under any prior act of this State shall continue in effect subject to the provisions hereof.

Prior to July 1, 1958, each such corporation, domestic or foreign, shall establish the registered office and appoint the registered agent required by § 13.1-9 or by § 13.1-109, by filing in duplicate in the office of the Commission a statement on a form supplied by the Commission showing:

(a) The name of the corporation.

(b) The address of its then principal office in this State.

(c) The address of its registered office in this State (including (i) the post office address with street and number, if any, and (ii) the name of the county or city in which it is located), which must initially be in the city or county in which its then principal office in this State is located.

(d) The name of its registered agent and that he is a resident of Virginia and that he is an officer or director of the corporation or a member of the Virginia State Bar.

(e) That the address of its registered office and the address of the business office of its registered agent are identical.

(f) That the establishment of the registered office and the appointment of the registered agent were authorized by resolution duly adopted by its board of directors.

(g) In the case of a foreign corporation, an irrevocable consent that any process, notice, order or demand arising out of or relating to the transaction of business in this State, whether or not the corporation withdraws from this State, may be served on the clerk of the Commission or, in the case of any process, notice, order or demand issued by the Commission, by being mailed by the clerk of the Commission or any of his staff by registered or certified mail addressed to the corporation at its registered office or, in case of withdrawal from this State, at the address shown in the statement of withdrawal.

The statement shall be verified by the oath of the president or a vice president and shall become effective when filed with the Commission. The Commission, in the case of domestic corporations, shall mail one copy of the statement to the clerk in whose office deeds are recorded in the city or county in which the then principal office is located, and he shall record it in a book for the recordation of charters. Every statement shall be accompanied by fees of one dollar payable to the Commission and of one dollar payable to such clerk, and no other recording fee shall be payable.

Until the statement has been filed, the statutes relating to the principal office in effect on the day before the effective date of this Act shall, notwithstanding their repeal by this Act, continue, by virtue of this paragraph, to apply to the corporation, and the provisions of this Act referring to the registered office shall be deemed to refer to the principal office of the corporation.

If the statement of a domestic corporation is filed after June 30, 1958, and before January 1, 1959, it shall be accompanied by an additional fee of fifty dollars payable to the Commission. If the statement of a domestic

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corporation is filed after December 31, 1958, and before July 1, 1959, it shall be accompanied by an additional fee of one hundred dollars payable to the Commission. If the statement of a domestic corporation is not filed by July 1, 1959, the corporate existence of the corporation shall automatically cease on July 1, 1959.

If the statement of a foreign corporation is not filed by July 1, 1958, its certificate of authority to transact business in this State shall be automatically revoked.

Upon the filing of such a statement by a foreign corporation, the power of attorney previously filed by it appointing the Secretary of the Commonwealth as its agent for service of process shall be deemed to have been revoked, but thereafter service of process on the Secretary of the Commonwealth on or before July 1, 1958, shall be as effective as service on the clerk of the Commission in accordance with § 13.1-111; and the Secretary of the Commonwealth shall forthwith deliver such process to the clerk of the Commission for disposition in accordance with the provisions of § 13.1-111. In the event that a foreign corporation shall not have established a registered office and appointed a registered agent as required herein and service of process on such corporation is made on the clerk of the Commission as permitted by § 13.1-111, such service of process shall be valid but the clerk of the Commission shall deliver such process to the Secretary of the Commonwealth for disposition in accordance with § 13-216. Notwithstanding anything elsewhere herein contained, the provisions of § 13-216 and § 13-217 shall remain effective until July 1, 1958, and thereafter as to causes of action arising prior to July 1, 1958, as to each foreign corporation whose certificate of authority is revoked by the provisions hereof because of failure to establish a registered office and appoint a registered agent.

The Commission shall mail notice of the provisions of this section to all corporations, domestic and foreign, listed in its records promptly after the effective date of this Act and, promptly after January 1, 1958, shall mail a further notice to all such corporations that have not then complied with the provisions of this section.

2. An emergency exists and this act is in force from its passage.

CHAPTER 58

An Act to amend and reenact § 51-112, as amended, of the Code of Virginia, relating to powers of cities and towns as to officers and employees, so as to exempt retirement benefits and funds from taxation.

[H 48]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 51-112, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 51-112. The governing body of each city and town may, by ordinance adopted by a recorded vote of a majority of the members elected or of a majority elected to each branch, if there be more than one branch, establish a system of pensions, including death benefits, covering injured, retired or superannuated officers and employees of such city or town, and payable to such officers and employees, or their dependents, estates or designated beneficiaries, and to provide for accrued vested or contractual

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rights thereunder; and it may through the purchase of insurance and annuities provide for such pensions, including death benefits, and for group life insurance covering the officers and employees of such city or town, and for group accident and sickness insurance covering the officers and employees of such city or town and their dependents. Such governing body may by such ordinance establish a fund for the payment of such pensions, including death benefits, and for the payment of such insurance and annuity premiums and charges by making appropriations out of the treasury of the city or town or by requiring contributions, payable from time to time through payroll deductions or otherwise, or by both, or by any other mode not prohibited by law.

Retirement allowances and other benefits accrued or accruing to any person under the provisions of this section or under the provisions of any charter granted to any city or town, and the assets of a retirement system created under this section or by any charter granted to a city or town are hereby exempted from any State, county, or municipal tax.

For the purpose of this section the term employees may include teachers or other employees of city and town school boards.

CHAPTER 59

An Act to amend and reenact § 51-111.54, as amended, of the Code of Virginia, relating to service retirement.

[H 55]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 51-111.54, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 51-111.54.—Any member who is a State employee or a teacher, both as defined in § 51-111.10, and who attains seventy years of age shall be retired forthwith; provided that, upon the request of his employer in the case of a teacher, or the head of the department, institution or agency by which he is employed, in the case of a State employee, he may remain in service not longer than the last day of the fiscal year during which he attains seventy years of age; and provided further that this section shall not apply to (a) any member who is appointed by the Governor *or to any member appointed by the Attorney General as an Assistant Attorney General or as a member of the Division of Motion Picture Censorship,* (b) any member who is the clerk or deputy clerk of a court, (c) any member who attained seventy years of age prior to the establishment of the Virginia Retirement System on July one, nineteen hundred forty-two, and (d) any teacher who attained the age of seventy years prior to June 27, 1958. Notwithstanding the foregoing provisions, the Governor may, in his discretion, in the case of a member appointed by him who has attained the age of seventy years, retain such member in service as a consultant if in the opinion of the Governor such member has by reason of long service and experience become specially fitted to perform duties essential to the administration of the affairs of the State. The salary of any such consultant shall be fixed by the Governor.

Any member who otherwise would be retired under the provisions of the foregoing paragraph and who by reason of long service and experience has become specially fitted to perform the duties of his position, and who is physically and mentally capable to perform such duties ade-

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quately, may if he so desires, upon request of the head of the department, institution or agency by which he is employed, and upon recommendation of the Board, be continued in service for such period or periods as is determined by the head of such department, institution or agency, but not longer than July one, nineteen hundred fifty-nine, in any event.

2. An emergency exists and this act is in force from its passage.

CHAPTER 60

An Act to constitute the Clinch Valley College and the Northern Virginia branch college, respectively, as divisions of the University of Virginia and to provide for the control and management thereof, and validating, ratifying and confirming all acts and proceedings of the Rector and Visitors of the University of Virginia heretofore taken in connection therewith.

[H 59]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. The Clinch Valley College and the Northern Virginia branch college (the name of which has not yet been selected), respectively, are hereby established as divisions of the University of Virginia, and are hereby declared to be integral parts thereof, and shall be subject to the supervision, management and control of the Rector and Visitors of the University of Virginia.

§ 2. All property, property rights, duties, contracts and agreements of both of said divisions are vested in the Rector and Visitors of the University of Virginia. The President of the University by virtue of his office shall be the principal administrative officer of such divisions. The board of visitors of the University is charged with the care and preservation of all property belonging to such divisions. With respect to such divisions the board of visitors shall have the same powers as to granting degrees, as to fixing tuitions, fees and other charges, as to borrowing money and issuing bonds, as to the appointment and removal of administrative officers, professors, agents and servants, and the making of rules and regulations, as are now vested in them with respect to the University. The title of the chief local administrative officer of each such division shall be that fixed by the Board of Visitors.

§ 3. Appropriations directly or indirectly from the State to such divisions shall be expended as directed by the Rector and Visitors of the University of Virginia.

§ 4. All acts and proceedings heretofore taken by the Rector and Visitors of the University of Virginia with respect to the establishment and maintenance of Clinch Valley College and the Northern Virginia branch college, including all contracts, loan agreements and other agreements of whatsoever nature, are hereby ratified, validated and confirmed.

2. An emergency exists and this act is in force from its passage.

CHAPTER 61

An Act to amend and reenact § 23-19, as amended, of the Code of Virginia, relating to the issuance of bonds and the incurring of certain obli-

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gations by certain educational institutions and the conditions for repayment thereof.

[H 60]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 23-19, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 23-19. (a) Every institution shall have power and is hereby authorized and empowered from time to time to execute its bonds in such aggregate principal amount as may be determined upon by its board and approved by the Governor. All such bonds shall be issued and sold through the Treasury Board which is hereby designated the issuing, sales, and paying agent of such institutions under this chapter. Such aggregate principal amount may include without limitation any engineering or inspection costs or legal or accounting expenses incurred by the institution in connection with the project for the erection of which such bonds are issued, and the cost of issuance of the bonds, including printing, engraving, advertising, legal and other similar expenses.

(b) Such bonds shall be authorized by resolution of the board, approved by the Governor, and may be issued in one or more series, shall bear such date or dates, mature at such time or times, bear interest at such rate or rates not exceeding six per centum per annum payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Such bonds may be sold at public or private sale for such price or prices as the board with the approval of the Governor shall determine, provided that the interest cost to maturity of the money received for any issue of such bonds shall not exceed six per centum per annum.

(c) Such bonds may be issued for the corporate purpose or purposes of the institution specified by § 23-17 hereof or to carry out the powers conferred on the institution by the preceding section hereof.

(d) Any resolution or resolutions authorizing such bonds may contain a provision, which shall be a part of the contract with the holders of such bonds as to

(1) Pledging any or all revenues of the institution derived directly or indirectly from the project for the erection of which the bonds are issued to secure the payment of such bonds, and the determination of the revenues and receipts to be derived directly or indirectly from the project for the erection of which the bonds are to be issued and the cost or expenses of the operation and maintenance thereof;

(2) The operation and maintenance of the project;

(3) The amount or amounts to be charged and collected as fees, rents or charges for or in connection with the use, occupations, products and/or services of the project or any services rendered therein, and the amount to be raised in each year thereby in revenues of any kind and the use and disposition of any or all such revenues;

(4) The setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(5) Limitations on the right of the institution to restrict and regulate the use, occupation, products and/or services of the project, or the services rendered therein;

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(6) Limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied;

(7) Limitations on the issuance of additional bonds;

(8) The procedure, if any, by which the terms of any contract with holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; and

(9) Any other matter required by the United States of America or any federal agency as a condition precedent to or a requirement in connection with the obtaining of a direct grant or grants of money for or in aid of the erection of any project, or to defray or partially to defray the cost of labor and material employed in the erection of any project, or to obtain a loan or loans of money for or in aid of the erection of any project from the United States of America or any federal agency, provided such other matter is approved by the Governor.

(e) The power and obligation of an institution to pay any bonds issued under this chapter shall be limited. Such bonds shall be payable only from the revenues and receipts derived directly or indirectly from the project for the erection of which the bonds are issued. Such bonds shall in no event constitute an indebtedness of the institution, excepting to the extent of the collection of such revenues and receipts and such institution shall not be liable to pay such bonds or interest thereon from any other funds; and no contract entered into by the institution pursuant to subdivision (b) of this section shall be construed to require the costs or expenses of operation and maintenance of the project for the erection of which the bonds are issued to be paid out of any funds other than the revenues and receipts derived directly or indirectly from such project. The revenues and receipts to be deemed as derived directly or indirectly from the project for the erection of which the bonds are to be issued and the costs and expenses of the operation and maintenance thereof shall be determined by resolution of the board, approved by the Governor. In making such determination the board must exclude all funds received or receivable from the State. Any provision of the general laws to the contrary notwithstanding, any bonds issued pursuant to the authority of this chapter shall be fully negotiable within the meaning and for all the purposes of Chapter 10 of Title 6.

(f) Neither the Governor nor the members of the board nor any person executing such bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(g) The institution shall have power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest. All bonds so purchased shall be cancelled unless purchased as an endowment fund investment. This paragraph shall not apply to the redemption of bonds.

(h) In any case in which an institution shall have obtained a loan for or in aid of the erection of any project from the United States of America or any federal agency, which loan requires the establishment of a debt service reserve, the institution, with the consent of the Governor, may deposit securities in a separate collateral account in an amount equal to the required debt service reserve, which securities shall be pledged to meet the debt service requirements only if the pledged revenues from the project become insufficient for such purpose. The face value of United States Government securities and the market value of all other securities shall be deemed to be the value of any securities so deposited. Nothing herein shall be construed as * *prohibiting* repayment of any portion of such loan from income derived from the securities so deposited. No

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securities shall be deposited in any such collateral account unless the same shall have been purchased with funds, the use of which is in no wise limited or restricted *or shall have been donated to such institution for the purpose of establishing such debt service reserve.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 62

An Act to amend and reenact § 8-182, as amended, of the Code of Virginia, relating to list of jurors to be prepared by jury commissioners.

[H 77]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 8-182, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 8-182. The commissioners shall, as soon as may be after their appointment, prepare lists of such of the inhabitants of their respective counties or cities as are well qualified to serve as jurors and are not excluded or exempt by §§ 8-174, 8-175 and 8-178. The whole number of persons selected in any county or city shall not be less than one hundred nor more than three hundred, except that:

(1) For the cities of *Newport News and* Norfolk the number shall not exceed one thousand for each court,

(1a) For the Hustings Court of the city of Richmond, the Hustings Court of the city of Richmond, Part II, the Chancery Court of the city of Richmond, and the Circuit Court of the city of Richmond, the number shall not exceed one thousand; for the Law and Equity Court of the city of Richmond, the number shall not exceed two thousand,

(2) For the Hustings Court of the city of Roanoke, the Circuit Court of the city of Portsmouth, for the Court of Hustings for the city of Portsmouth and for all courts of the city of Alexandria the number shall not exceed six hundred each,

(3) In the city of Lynchburg the number for the circuit court shall not exceed five hundred and the number for the corporation court shall not exceed one thousand,

(4) For each of the cities of Danville * and Petersburg, and the counties of Pittsylvania, Henry and Princess Anne, the number shall not exceed five hundred, and

(5) For any county having a population in excess of eighty-five thousand inhabitants according to the last preceding United States census, the number shall not exceed seven hundred fifty.

The same percentage of population shall be taken from each magisterial district or ward. The inhabitants of a city, however, which is situated in whole or in part within the bounds of a county shall not be placed on the lists for such county, except in those cases in which the circuit court of the county and the corporation court of the city have concurrent jurisdiction of both civil and criminal cases arising within the territorial limits of such county or city and in such cases the city shall be considered as a magisterial district, or the equivalent of a magisterial district, of the county for the purpose of the jury list.

In any county having a density of population in excess of two thousand per square mile, the commissioners shall not include on the jury lists hereinabove provided for the name of any person who has been called for jury duty at any time during the period of one year next preceding.

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The commissioners shall advise in writing each woman whose name has been selected to be placed upon the jury list of the fact that her name has been selected for such purpose and that her name will be placed upon such list unless she notifies the commissioners in writing within fifteen days of the date of the notice sent by the commissioners that she does not desire her name to be placed upon such list. The commissioners shall not include on the jury lists hereinabove mentioned the name of any woman who notifies the commissioners in writing within such fifteen day period that she does not desire her name to be placed upon the jury list. No reply in writing to the notice sent by the commissioners under this paragraph in which a woman indicates her willingness to accept jury service shall render her ineligible to serve on any jury under the provisions of § 8-176.

2. An emergency exists and this act is in force from its passage.

CHAPTER 63

An Act to amend and reenact § 19-92.1, as amended, of the Code of Virginia, relating to bail commissioners for the cities of Newport News, Roanoke and Waynesboro.

[H 78]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 19-92.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 19-92.1. The Hustings Court of the city of Roanoke, or the judge thereof in vacation, *or any court of record in the city of Newport News or the judge thereof in vacation,* and any court of record in the city of Waynesboro, or the judge thereof in vacation, each may appoint one of the commissioners in chancery of the court bail commissioner for such city. Such bail commissioner shall have the same powers and duties in respect to the cities of Roanoke, *Newport News* and * Waynesboro as bail commissioners for counties have in respect to their counties.

2. An emergency exists and this act is in force from its passage.

CHAPTER 64

An Act to amend and reenact § 17-41, as amended, of the Code of Virginia, relating to the keeping open of clerks' offices on certain days.

[H 87]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 17-41, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 17-41. The clerk's office of every court shall be kept open on every day, except Sunday, the Fourth of July, Thanksgiving Day and Christmas Day, during convenient hours, for the transaction of business; provided that:

(1) In cities it may be closed on New Year's Day, Memorial Day,

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Labor Day and * *Veterans* Day, and the judge of the circuit court of any county may authorize the clerk to close the office on any such day or days;

(2) The judge of any circuit or corporation court may authorize the clerk to close the office on Saturday at twelve o'clock noon;

(3) In cities having a population of one hundred forty thousand or more, and in cities having a population of not less than * *sixty* thousand nor more than ninety thousand, the clerk's office of any court may be closed on all days which are made legal holidays under the provisions of § 2-19;

(4) The judge of the circuit court of any county adjoining a city *within or without the territorial limits of the Commonwealth of Virginia* having a population of one hundred forty thousand or more, may authorize the clerk to close the office on all days which are made legal holidays under the provisions of § 2-19;

(5) The judge of the circuit court of any county having a population of more than one thousand per square mile according to the last preceding United States census, or the judge of any circuit, hustings or corporation court of any city or county adjoining any such county, or any of them, may authorize the clerk to close the office on Saturday;

(6) In cities having a population of one hundred thousand or more and in counties adjoining said cities, and, in cities having a population of more than eighty thousand but less than one hundred thousand, and, in cities having a population of more than thirty-eight thousand but less than forty thousand, the clerk's office of any court of record may be closed on Saturday when authorized by the judge of the court;

(7) In cities having a population of more than thirty thousand but less than thirty-five thousand and sixty according to the last decennial census, the clerk's office of any court of record may be closed on Saturday, when authorized by the judge of the court and the governing body of the city; and

(8) In counties having a population of more than thirty-three thousand five hundred, but less than thirty-four thousand, the clerk may close the office on Saturday at twelve o'clock, noon.

Whenever the authorization of the judge is necessary to close a clerk's office and a clerk is the clerk of more than one court, or a court has more than one judge, the authorization of all such judges shall be necessary.

The judge of the circuit court of any county may require the clerk's office to be kept open continuously for the transaction of business during convenient hours on all the days on which it is herein required to be kept open.

2. An emergency exists and this act is in force from its passage.

CHAPTER 65

An Act to amend and reenact § 2-20.1, as amended, of the Code of Virginia, relating to closing of banks on Saturday.

[H 89]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 2-20.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 2-20.1. It shall be lawful for any bank as defined in § 6-6, including

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national banking associations and federal reserve banks, located in a county having a population of more than twenty-three thousand three hundred thirty and less than twenty-three thousand three hundred ninety, or in any city having a population of less than five thousand seven hundred, or located in a city which is partly in one state and partly in another state, or located in a city of this State having a population in excess of two hundred thousand according to the latest preceding United States census, or located in a city any portion of which city is within five miles of a city of said size, whether within or without this State, or located in a city of the State having a population of more than forty-five thousand and not more than fifty thousand according to the latest preceding United States census, or in any city having a population of more than twelve thousand two hundred but not more than twelve thousand three hundred fifty, or in any city of the State having a population of more than thirty thousand and not more than forty thousand, or in any city within five miles of a city of said size, or in any county having a population of less than three thousand eight hundred, or in any county having a population of more than fourteen thousand nine hundred and less than fifteen thousand one hundred, or in any county adjoining three cities, two of which have a population of more than eighty thousand, or in any county adjoining three or more cities, one of which has a population in excess of two hundred thousand lying wholly within the State, or in any county having a population of more than thirty-three thousand five hundred but less than thirty-four thousand, or in any city having a population of more than nine thousand four hundred but less than ten thousand four hundred, or in any county having a population of more than eleven thousand five hundred, but less than twelve thousand, or in any county having a population of more than seventy thousand but less than ninety-nine thousand, or in a county having a population in excess of seventeen thousand but not in excess of seventeen thousand five hundred, or in any county having a population of more than twenty-seven thousand seven hundred, but less than twenty-eight thousand, or in any city having a population of more than eighty-five thousand but not more than two hundred thousand or any bank in a city of said size having one or more branch banks located in a town, any portion of which town is within five miles of any such city, or in any city having a population of more than twenty-five thousand but less than thirty thousand, or in a city having a population of more than seven thousand but less than eight thousand, or in a county having a population of more than ninety thousand but less than ninety-nine thousand or in any county having a population of more than twenty-six thousand six hundred, but less than twenty-six thousand six hundred and eighty, or in any county having a population of more than seven thousand one hundred, but less than seven thousand one hundred and forty, or in any county having a population of more than twelve thousand eight hundred, but less than thirteen thousand, or in any county having a population of more than twenty-four thousand six hundred, but less than twenty-six thousand six hundred, or in any county having a population of more than four thousand seven hundred, but less than five thousand five hundred, or in any county having a population of more than twenty-three thousand four hundred, but less than twenty-five thousand, *or in any county having a population of more than twenty-nine thousand but less than twenty-nine thousand seven hundred,* to permit any one or more or all its offices located in such a city, town or county to remain closed on any one or more or all Saturdays, as the bank, by resolution of its board of directors, may from time to time determine. Any Saturday on which an office of a bank shall remain closed, as herein permitted, shall, as to such office, constitute a legal holiday, and any act authorized, required or

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permitted to be performed at, by or with respect to any such office on a Saturday on which the office is so closed, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay.

2. An emergency exists and this act is in force from its passage.

CHAPTER 66

An Act to amend and reenact § 2-20.1, as amended, of the Code of Virginia, relating to closing of banks on Saturday.

[H 103]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 2-20.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 2-20.1. It shall be lawful for any bank as defined in § 6-6, including national banking associations and federal reserve banks, located in a county having a population of more than twenty-three thousand three hundred thirty and less than twenty-three thousand three hundred ninety, or in any city having a population of less than five thousand seven hundred, or located in a city which is partly in one state and partly in another state, or located in a city of this State having a population in excess of two hundred thousand according to the latest preceding United States census, or located in a city any portion of which city is within five miles of a city of said size, whether within or without this State, or located in a city of the State having a population of more than forty-five thousand and not more than fifty thousand according to the latest preceding United States census, or in any city having a population of more than twelve thousand two hundred but not more than twelve thousand three hundred fifty, or in any city of the State having a population of more than thirty thousand and not more than forty thousand, or in any city within five miles of a city of said size, or in any county having a population of less than three thousand eight hundred, or in any county having a population of more than fourteen thousand nine hundred and less than fifteen thousand one hundred, or in any county adjoining three cities, two of which have a population of more than eighty thousand, or in any county adjoining three or more cities, one of which has a population in excess of two hundred thousand lying wholly within the State, or in any county having a population of more than thirty-three thousand five hundred but less than thirty-four thousand, or in any city having a population of more than nine thousand four hundred but less than ten thousand four hundred, or in any county having a population of more than eleven thousand five hundred, but less than twelve thousand, or in any county having a population of more than seventy thousand but less than ninety-nine thousand, or in a county having a population in excess of seventeen thousand but not in excess of seventeen thousand five hundred, or in any county having a population of more than twenty-seven thousand seven hundred, but less than twenty-eight thousand, or in any city having a population of more than eighty-five thousand but not more than two hundred thousand or any bank in a city of said size having one or more branch banks located in a town, any portion of which town is within five miles of any such city, or in any city having a population of more than twenty-five thousand but less than thirty thousand, or in a city having a population of more than

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seven thousand but less than eight thousand, or in a county having a population of more than ninety thousand but less than ninety-nine thousand or in any county having a population of more than twenty-six thousand six hundred, but less than twenty-six thousand six hundred and eighty, or in any county having a population of more than seven thousand one hundred, but less than seven thousand one hundred and forty, or in any county having a population of more than twelve thousand eight hundred, but less than thirteen thousand, or in any county having a population of more than twenty-four thousand six hundred, but less than twenty-six thousand six hundred, or in any county having a population of more than four thousand seven hundred, but less than five thousand five hundred, or in any county having a population of more than twenty-three thousand four hundred, but less than twenty-five thousand, *or in any town located in a county having a population of more than forty-five thousand but less than fifty-five thousand and which town adjoins a city in another state,* to permit any one or more or all its offices located in such a city, town or county to remain closed on any one or more or all Saturdays, as the bank, by resolution of its board of directors, may from time to time determine. Any Saturday on which an office of a bank shall remain closed, as herein permitted, shall, as to such office, constitute a legal holiday, and any act authorized, required or permitted to be performed at, by or with respect to any such office on a Saturday on which the office is so closed, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay.

2. An emergency exists and this act is in force from its passage.

CHAPTER 67

An Act to appropriate additional funds to the Virginia Fisheries Laboratory for certain capital outlay and operating purposes.

[H 107]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. There is hereby appropriated from the general fund of the State treasury, not otherwise appropriated, to the Virginia Fisheries Laboratory in addition to other funds heretofore appropriated to such Laboratory the following sums for the respective fiscal years ending June thirty, nineteen hundred fifty-nine and June thirty, nineteen hundred sixty:

Commission of Fisheries

	Fiscal Year Ending June 30, 1959	June 30, 1960
Equipment	$ 6,420.00	
For expenses of administration	$13,100.00	$39,300.00

2. An emergency exists and this act is in force from its passage.

CHAPTER 68

An Act to permit a referendum to be held in any county, city or town constituting a separate school district, to determine if specific real or personal school properties are needed for public purposes, to provide when such referendum shall be held, the manner of conducting

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such referendum, and to provide that specific properties shall be sold if the majority of the voters voting find that the school property is no longer needed for public purposes.

[S 20]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. In any county, city, or town, if the town constitutes a separate school district, where a number of qualified voters not less than ten per centum of the number of voters voting in the last preceding presidential election in that county, city, or town are of the opinion that any specific real or personal school property or properties are no longer needed for public purposes and the school board has not initiated proceedings to sell or exchange that real or personal property or properties, then on petition of a number of qualified voters not less than ten per centum of the number of voters voting in the last preceding presidential election in the county, city, or town, requesting the same, the circuit court of the county or the corporation court of the city or the judge thereof in vacation shall order an election by the people of the county, city, or town to be held not less than twenty nor more than thirty days after entry of the order, to determine whether the real or personal school property or properties specified in the petition are or are not needed for public purposes.

The electoral board of any county or city when an election has been ordered held, shall, prior to the date of such election, have printed at the expense of such county, city, or town proper ballots to be voted at such election, on which shall be set out the date of the election, and the question "Are (Is) the following specific school properties (property) needed for public purposes?"

Each separate parcel of real property, if there are more than one, shall be separately listed with its general description and location. Personal property in, on, or used in connection with the parcel of real property may be listed with the specific parcel of real property by the general description "together with all personal property located thereon and therein" or such personal property may be listed separately. Immediately below the name, general description and location of each separate parcel of real property, there shall be printed on separate lines, the words, "No, this property is not needed" and "Yes, this property is needed". On each such line and immediately to the left of "No" and "Yes", there shall be printed a square not less than one-quarter nor more than one-half an inch in size.

School buses may be listed thereon as ".....(Number) school buses", and all other personal property may be listed together with its general description. Immediately below each of the two classes of personal property, there shall be printed on separate lines, the words, "No, this property is not needed" and "Yes, this property is needed" with the squares as specified above.

The ballot shall be printed substantially thus:

Are (Is) the following specific properties (property) needed for public purposes:

1. ..... elementary (junior high) (high) school
(Name)
buildings containing.....class rooms designed to house.....
(Number) (Number)
pupils, together with.....acres of land, located at.....;
(Number) (Address)
together with all the personal property located thereon and therein.

☐ No, this property is not needed.

☐ Yes, this property is needed.

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2. ..... school buses.
(Number)

☐ No, this property is not needed.

☐ Yes, this property is needed.

3. The following personal school property,.....,
(General Description)
now or formerly used for public school purposes at.....
(Location or Locations)

☐ No, this property is not needed.

☐ Yes, this property is needed.

Each person voting at such election shall mark his ballot in the manner prescribed by § 24-245 for the marking of ballots.

Such ballots shall be delivered to the judges of election, within five days preceding the day of election, in the same manner as ballots are delivered to the judges of election in regular elections, for use at such election. Such election shall be conducted in the manner prescribed by law for the conduct of regular elections by the regular election officers of such locality.

The poll books and the certificates of the judges of election shall be delivered by one of the judges of election from each precinct in the county, city, or town to the clerk of the court to which election returns are made in regular elections, and canvassed as returns are canvassed in regular elections and the results thereof certified by the clerk of the court to the judge of the court ordering the election.

If it shall appear from the returns that a majority of the qualified voters voting thereon at such election shall vote that any specific property is not needed for public purposes, an order shall be entered of record accordingly, a copy of which shall be forthwith certified by the clerk of such court to the school board, which shall within thirty days after the receipt of the copy of the order initiate proceedings to sell the specific property pursuant to the applicable provisions of law, upon such terms and conditions as the court may deem necessary to protect the public interest and by order of record approve.

The provisions of this Act shall be in addition to all other provisions of law and shall not impair the right or authority granted by law to any board, commission, governing body or court to sell, exchange, convey, or otherwise dispose of school property.

CHAPTER 69

An Act to amend and reenact §§ 15-288, 15-320, 15-353, 15-370, 15-395, 15-551.3, 15-575, 15-576, 15-577, 15-579, 15-584 and 15-585 of the Code of Virginia, relating to duties of the director of finance, county manager, or executive secretary in certain counties, to application of moneys of cities and towns, to the duties of executive secretaries for counties, and to budgets of counties, cities, and towns, to provide budget shall be for informative and fiscal planning purposes only, to provide no moneys shall be available to be paid out for any contemplated expenditures unless and until there has first been made an annual, semi-annual, quarterly or monthly appropriation for such contemplated expenditures, to require certain estimates of financial needs be submitted to governing bodies, to change the time for publishing and holding hearings on the budget, and to repeal § 15-582 of the Code

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of Virginia, relating to notice of tax increase before any local tax levy shall be increased.

[S 26]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 15-288, 15-320, 15-353, 15-370, 15-395, 15-551.3, 15-575, 15-576, 15-577, 15-579, 15-584, and 15-585 of the Code of Virginia be amended and reenacted as follows:

§ 15-288.—(a) Director; general duties.—The director of finance shall be head of the department of finance and as such have charge of the administration of the financial affairs of the county, including the budget; the assessment of property for taxation; the collection of taxes, license fees and other revenues; the custody of all public funds belonging to or handled by the county; supervision of the expenditures of the county and its subdivisions; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment and contractual services needed by any department, office or other using agency of the county unless some other officer or employee is designated for this purpose; the keeping and supervision of all accounts; and such other duties as the board of county supervisors may by ordinance or resolution require.

(b) Expenditures and accounts.—No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred, except in pursuance of * appropriation * *resolutions.* Accounts shall be kept for each item of appropriation made by the board of county supervisors. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligation charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement or order.

(c) Powers of commissioners of revenue.—The director of finance shall exercise all the powers conferred and perform all the duties imposed by general law upon commissioners of the revenue, not inconsistent herewith, and shall be subject to the obligations and penalties imposed by general law.

(d) Real estate reassessments.—Every general reassessment of real estate in the county, unless some other person be designated for this purpose by the board of county supervisors in accordance with § 15-281 or unless the board shall create a separate department of assessments in accordance with § 15-287 shall be made by the director of finance; he shall collect and keep in his office data and devise methods and procedure to be followed in each such general reassessment that will make for uniformity in assessments throughout the county.

(e) Powers of county treasurer; deposit of moneys.—The director of finance shall also exercise all the powers conferred and perform all the duties imposed by general law upon county treasurers, and shall be subject to all the obligations and penalties imposed by general law. All moneys received by any officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the director of finance; all such money shall be promptly deposited by the director of finance to the credit of the county in such banks or trust companies as shall be selected by the board of county supervisors. No money shall be disbursed or paid out by the county except upon check signed by the chairman of the board of county supervisors, or such other person as may be designated by the board, and countersigned by the director of the department of finance.

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The board may designate one or more banks or trust companies as a receiving or collecting agency or agencies under the direction of the department of finance. All funds so collected or received shall be deposited to the credit of the county in such banks or trust companies as shall be selected by the board.

Every bank or trust company serving as a depository or as a receiving or collecting agency for county funds shall be required by the board of county supervisors to give adequate security therefor and to meet such requirements as to interest thereon as the board may by ordinance or resolution establish. All interest on money so deposited shall accrue to the benefit of the county.

(f) Claims against counties; accounts.—The director of finance shall audit all claims against the county for goods or services; it shall also be his duty to ascertain that such claims are in accordance with the purchase orders or contracts of employment from which same arise; to present such claims to the board of county supervisors for approval after such audit; to draw all checks in settlement of such claims after approval by the board of county supervisors; to keep a record of the revenues and expenditures of the county; to keep such accounts and records of the affairs of the county as shall be prescribed by the Auditor of Public Accounts; and at the end of each month to prepare and submit to the board of county supervisors statements showing the progress and status of the affairs of the county in such form as shall be agreed upon by the Auditor of Public Accounts and the board of county supervisors.

(g) Director as purchasing agent.—The director of finance shall act as purchasing agent for the county, unless the board of county supervisors shall designate some other officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as may be allowed by the board of county supervisors, for the county in such manner as may be provided by resolution of the board. He shall have authority to make transfers of supplies, materials and equipment between departments and offices, to sell any surplus supplies, materials or equipment and to make such other sales as may be authorized by the board of county supervisors. He shall also have power, with the approval of the board of county supervisors, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county and to inspect all deliveries to determine their compliance with such specifications and standards. He shall have charge of such storerooms and warehouses of the county as the board of county supervisors may provide.

All purchases and sales shall be made under such rules and regulations as the board of county supervisors may by ordinance or resolution establish. Subject to such exceptions as the board may provide, he shall before making any purchase or sale invite competitive bidding under such rules and regulations as the board may by ordinance or resolution establish. He shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of a properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay for the same.

(h) Other duties.—He shall perform such other duties as may be imposed upon him by the board of county supervisors.

(i) Assistants.—The director may have such deputies or assistants in the performance of his duties as may be allowed by the board of county supervisors.

(j) Approval of chief assessing officer.—Before the appointment of the chief assessing officer of the county, whether he be the director of finance, a deputy or supervisor of assessments in the department of finance

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or the head of the department of assessments, shall become effective, it shall be approved by the State Tax Commissioner and such officer shall be subject to the obligations and penalties imposed by general law upon commissioners of the revenue.

§ 15-320.—(a) Director; general duties.—The director of finance shall be the head of the department of finance and as such have charge of the administration of the financial affairs of the county, including the budget; the assessment of property for taxation; the collection of taxes, license fees and other revenues; the custody of all public funds belonging to or handled by the county; supervision of the expenditures of the county and its subdivisions; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment and contractual service needed by any department, office or other using agency of the county unless some other officer or employee is designated for this purpose; the keeping and supervision of all accounts; and such other duties as the board of county supervisors may by ordinance or resolution require.

(b) Expenditures and accounts.—No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred except in pursuance of * appropriation * *resolutions.* Accounts shall be kept for each item of appropriation made by the board of county supervisors. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement or order.

(c) Powers of commissioners of revenue.—The director of finance shall exercise all the powers conferred and perform all the duties imposed by general law upon commissioners of the revenue, not inconsistent herewith, and shall be subject to the obligations and penalties imposed by general law.

(d) (1) Real estate reassessments.—Every general reassessment of real estate in the county, unless some other person be designated for this purpose by the county manager in accordance with § 15-314 or unless the board of county supervisors shall create a separate department of assessments in accordance with § 15-319, shall be made by the director of finance; he shall collect and keep in his office data and devise methods and procedure to be followed in each such general reassessment that will make for uniformity in assessments throughout the county.

(2) In addition to any other method provided by general law or by this article or to certain classified counties, the director of finance may provide for the annual assessment and equalization of real estate and any general reassessment ordered by the board of county supervisors. The director of finance or his designated agent shall collect data, provide maps and charts, devise methods and procedures to be followed for such assessment that will make for uniformity in assessments throughout the county.

There shall be a reassessment of all real estate at periods not to exceed six (6) years between each reassessment.

All real estate shall be assessed as of January first of each year by the director of finance or such other person designated to make such assessment and such annual assessment shall provide for the equalization of assessments of real estate, correction of errors in tax assessment records, addition of erroneously omitted properties to the tax rolls, and the removal of properties acquired by owners not subject to taxation.

The taxes for each year on such real estate assessed shall be extended on the basis of the last assessment made prior to such year.

This section shall not apply to real estate assessable under the law

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by the State Corporation Commission, and the director of finance or his designated agent shall not make any real estate assessments during the life of any general reassessment board.

Any reassessments made, which shall change the assessment of real estate shall not be extended for taxation until forty-five days after there is mailed a written notice to the person in whose name such property is to be assessed at his last known address, setting forth the amount of the prior assessment and the new assessment.

The board of county supervisors shall establish a continuing board of real estate review and equalization to review all assessments made under authority of this section and to which all appeals by any person aggrieved by any real estate assessment shall first apply for relief. The board so established shall consist of not less than three nor more than five members who shall be freeholders in the county. The appointment, terms of office and compensation of the members of such board shall be prescribed by the board of county supervisors; such board shall have all the powers conferred upon boards of equalization by general law. All applications for review to such board shall be made not later than April first of the year for which extension of taxes on the assessment is to be made. Such board shall grant a hearing to any person making application at a regular advertised meeting of the board and shall rule on all applications within sixty days after the date of the hearing, and shall thereafter promptly certify its action thereon to the director of finance, shall conduct hearings at such time or times as is convenient after publishing a notice in a newspaper having general circulation in the county, ten days prior to such hearing at which any person applying for review will be heard.

Any person aggrieved by any reassessment or action of the real estate board of review and equalization may apply for relief to the circuit court of the county in the manner provided by general law.

(e) Powers of county treasurer; deposit of moneys.—The director of finance shall also exercise all the powers conferred and perform all the duties imposed by general law upon county treasurers, and shall be subject to all the obligations and penalties imposed by general law. All moneys received by any officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the director of finance; all such money shall be promptly deposited by the director of finance to the credit of the county in such banks or trust companies as shall be selected by the board of county supervisors. No money shall be disbursed or paid out by the county except upon check signed by the chairman of the board of county supervisors, or such other person as may be designated by the board, and countersigned by the director of the department of finance.

The board may designate one or more banks or trust companies as a receiving or collecting agency or agencies under the direction of the department of finance. All funds so collected or received shall be deposited to the credit of the county in such banks or trust companies as shall be selected by the board.

Every bank or trust company serving as a depository or as a receiving or collecting agency for county funds shall be required by the board of county supervisors to give adequate security therefor, and to meet such requirements as to interest thereon as the board may by ordinance or resolution establish. All interest on money so deposited shall accrue to the benefit of the county.

(f) Claims against counties; accounts.—The director of finance shall audit all claims against the county for goods or services; it shall also be his duty to ascertain that such claims are in accordance with the pur-

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chase orders or contracts of employment from which same arise; to present such claims to the board of county supervisors for approval after such audit; to draw all checks in settlement of such claims after approval by the board of county supervisors unless the said board otherwise provides pursuant to the provisions of § 15-253; to keep a record of the revenues and expenditures of the county; to keep such accounts and records of the affairs of the county as shall be prescribed by the Auditor of Public Accounts; and at the end of each month to prepare and submit to the board of county supervisors statements showing the progress and status of the affairs of the county in such form as shall be agreed upon by the Auditor of Public Accounts and the board of county supervisors.

(g) Director as purchasing agent.—The director of finance shall act as purchasing agent for the county, unless the board of county supervisors shall designate some other officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as may be allowed by the board of county supervisors, for the county in such manner as may be provided by resolution of the board. He shall have authority to make transfers of supplies, materials and equipment between departments and officers, to sell any surplus supplies, materials or equipment and to make such other sales as may be authorized by the board of county supervisors. He shall also have power, with the approval of the board of county supervisors, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county and to inspect all deliveries to determine their compliance with such specifications and standards. He shall further have the power, with the approval of the board of county supervisors, to sell supplies, materials, and equipment to volunteer rescue squads and firefighting companies at the same cost as the cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the board of county supervisors may provide.

All purchases and sales shall be made under such rules and regulations as the board of county supervisors may by ordinance or resolution establish. Subject to such exceptions as the board may provide, he shall before making any purchase or sale invite competitive bidding under such rules and regulations as the board may by ordinance or resolution establish. He shall not furnish any supplies, materials, equipment or contractual services to any department or office except upon receipt of a properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay for the same.

(h) Other duties.—He shall perform such other duties as may be imposed upon him by the board of county supervisors.

(i) Assistants.—The director may have such deputies or assistants in the performance of his duties as may be allowed by the board of county supervisors.

(j) Approval of chief assessing officer.—Before the appointment of the chief assessing officer of the county (whether he be the director of finance, a deputy or supervisor of assessments in the department of finance or the head of the department of assessments) shall become effective, it shall be approved by the State Tax Commissioner and such officer shall be subject to the obligations and penalties imposed by general law upon commissioners of the revenue.

§ 15-353.—In addition to such other duties as are or may be prescribed by law or directed by the board, the county manager in counties having a population of five hundred or more per square mile shall each year on or before * *April* fifteenth prepare and submit to the board a tentative budget *for informative and fiscal planning purposes only* pre-

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pared in accordance with the provisions of law in effect governing the preparation of the county budget and showing in detail the recommendations of the county manager for expenditures on each road and bridge or for other purposes. *

The county manager shall be the executive and administrative officer of the county in all matters relating to the public roads and bridges of the county, and other public work and business of the county, except public schools, and shall have general supervision and charge of all construction and maintenance of the public roads, bridges and landings of the county, and all public work and business of the county, except public schools, and the purchase of all supplies, equipment and materials for the roads, bridges and landings and other public work and business of the county, and the employment of all superintendents, foremen and labor therefor; provided, however, that the county board may, by ordinance, prescribe rules and regulations for the purchase of all supplies, equipment and materials for the roads, bridges and landings and other public work and business of the county.

The county manager shall keep the board advised as to the financial condition of the county, and at each regular meeting of the board he shall present to the board an itemized statement of all expenditures made by him since his last report, and on or before July fifteenth of each year shall file with the clerk of the board an itemized statement showing the amount expended on each road, bridge or for other purposes for the year preceding, ending June thirtieth.

§ 15-370.—(a) The board of county supervisors may by resolution designate the executive secretary as clerk of the board of county supervisors. In such case and upon the qualification of the executive secretary authorized by this article the county clerk of such county shall be relieved of his duties in connection with the board of county supervisors and all of his duties shall be imposed upon and performed by the executive secretary. If the board of county supervisors does not designate the executive secretary as clerk, the county clerk or one of his deputies shall attend the meetings of said board and record in a book provided for the purpose all of the proceedings of the board, but he shall not be authorized and required to sign the warrants of the board, if any, such authority being hereby vested in the executive secretary; provided, however, the board of county supervisors may by resolution of record require the county clerk to sign all warrants of the board of county supervisors.

(b) He shall, in so far as he shall be required by the board of county supervisors, be responsible to the board for the proper administration of all affairs of the county which the board has authority to control. He shall keep the board advised as to the financial condition of the county and shall submit to the board monthly, and at such other times as may be required, reports concerning the administrative affairs of the county.

(c) The executive secretary shall, if required by the board of county supervisors, examine regularly the books and papers of each department, officer and agency of the county and report to the board the condition in which he finds them and such other information as the board may direct.

(d) He shall from time to time submit to the board such recommendations concerning the affairs of the county and its departments, officers and agencies as he shall deem proper.

(e) Under the direction of the board of county supervisors, the executive secretary *for informative and fiscal planning purposes only* shall *prepare and submit to the board a proposed annual budget for the county. *The board of county supervisors may, however, direct that the county budget be prepared by the county clerk.

(f) He shall audit all claims against the county for services, materials

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and equipment for such county agencies and departments as the board of county supervisors may direct, except those required to be received and audited by the county school board, and shall present the same to the board of county supervisors together with his recommendation and such information as shall be necessary to enable the board to act with reference to such claims.

(g) In case the board of county supervisors shall by resolution of record designate the executive secretary as clerk of the board of county supervisors, such executive secretary shall have the following powers, authority and duties: (1) All the powers, authority and duties vested in the county clerk as clerk of the board of supervisors, under general law; (2) To pay, with his warrant, all claims against the county chargeable against any fund under the control of the board of county supervisors, other than the general county fund, when such expenditure is authorized and approved by the officer and/or employee authorized to procure the services, supplies, materials or equipment accountable for such claims, and after auditing the same as to its authority and correctness; to pay with his warrant all claims against the county chargeable against the general county fund where the claim arose out of purchase made by the executive secretary or for contractual services by him authorized and contracted within the power and authority given him by the board of county supervisors by resolution; (3) He shall pay with his warrant all claims against the county authorized to be paid by the board of county supervisors.

§ 15-395. All moneys collected or received for any city or town shall be applied as the council thereof may direct *by duly approved appropriation resolutions;* and the council and the clerk of the circuit and corporation courts shall cause to be made out quarterly an itemized statement of all accounts authorized to be paid by the council and by the judge of the circuit and corporation court and cause the same to be posted at the front door of the courthouse or other public place in the city or town and also to be published in such newspaper as the council may direct.

§ 15-551.3. Powers and duties.—The executive secretary shall be clerk to the governing body. It shall be his general duty:

(1) To record in a book to be provided for that purpose all of the proceedings of the governing body.

(2) To make regular entries of all the governing body's resolutions and decisions on all questions concerning the raising of money; and within five days after any order for a levy is made, to deliver a copy thereof to the commissioner of the revenue of his county.

(3) To record the vote of each supervisor on any question submitted to the governing body, if required by any member present.

(4) To sign all warrants issued by the governing body for the payment of money, and to record, in a book provided for that purpose, the reports of the county treasurer of his receipts and disbursements.

(5) To preserve and file all accounts and papers acted upon by the governing body with its action thereon.

(6) To make recommendations to the governing body concerning any office or department of the county government or employee under the control and supervision of the governing body.

(7) To attend to the execution of and enforce all lawful resolutions and orders of the governing body concerning any department, office or employee in the county government, and shall see that all laws of the State required to be enforced through the governing body or any county officer or employee subject to the control of the governing body are faithfully executed, and to make report to the governing body how such orders, resolutions and laws have been executed.

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(8) To confer with any person concerning the affairs of the county government and to make report to the governing body of all such matters whereon it should take action.

(9) To make monthly reports to the governing body in regard to matters of administration, and keep it fully advised as to the financial condition of the county.

(10) He *for informative and fiscal planning purposes only* shall prepare and submit to the governing body, in accordance with general law, *a *budget.*

(11) To audit all claims of every character or nature against the county, except those required to be received and audited by the county school board, to ascertain that such claims are in accordance with the purchase orders or contracts of employment or in accordance with the law from which same arise; to present such claims to the governing body for approval and allowance after such audit; to draw all warrants in settlement of such claims after approval and allowance by the governing body. However, he shall pay, with his warrant, all lawful claims out of the appropriations from the various funds, such as routine or standard charges for which such funds were set up, upon the approval of the department head who is charged with expenditure of such fund, in the manner hereinafter authorized; to keep a record of the revenues and expenditures of the county; to keep such accounts and records of the affairs of the county as shall be prescribed by the governing body; and monthly to prepare and submit to the governing body statements showing the progress and status of the affairs of the county in such form as shall be specified by the governing body.

(12) To act as purchasing agent for the county; to make all purchases for the county subject to such exception as may be allowed by the governing body. He shall have authority to make transfer of supplies, materials and equipment between departments and officers, and employees; to sell any surplus supplies, materials and equipment and to make such other sales as may be authorized by the governing body. He shall have power, with consent of the governing body, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county, and to inspect all deliveries to determine their compliance with such specifications and standards, and if such deliveries are not in accordance with such specifications and standards it shall be his duty and he is empowered to reject the same. He shall have charge of such storerooms and warehouses of the county as the governing body may provide. He shall have the care and charge of all public buildings and the furnishings and fixtures therein under the control of the governing body.

All purchases and sales shall be made under such rules and regulations as the governing body may by ordinance or resolution establish. Subject to such exception as the governing body may provide, he shall before making any purchase or sale invite competitive bidding under such rules and regulations as the governing body may by ordinance or resolution establish. He shall not furnish any supplies, materials, equipment or contractual services to any department or office or employee, except upon receipt of a properly approved requisition and unless there be an unencumbered balance sufficient to pay the same.

(13) To pay, with his warrant, all claims against the county chargeable against any fund under the control of the governing body other than the general county fund, when such expenditure is authorized and approved by the officer and/or employee authorized to procure the services, supplies, materials or equipment accountable for such claims, and after auditing the same as to its authority and correctness; to pay, with his

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warrant, all claims against the county chargeable against the general county fund where the claim arose out of purchase made by the executive secretary or for contractual services by him authorized and contracted within the power and authority given him by the governing body by resolution. Whenever any such payment is made the executive secretary shall make report of the same in such form as may be prescribed by the governing body.

(14) To perform such other duties as may be imposed upon him by the governing body.

(15) To perform all such duties as may be required of him by the governing body within the terms of the preceding fourteen subsections of this section as may be evidenced by a resolution of the governing body made of record.

(16) To perform all duties imposed by law upon the county clerk as clerk of the governing body; all duties imposed upon the county purchasing agent, and all duties imposed upon the "local delinquent tax collector" provided for in §§ 58-990 and 58-991 of the Code, if such governing body so require of him, in which event he shall have all the powers and duties imposed by that section.

(17) He shall not approve, draw or permit to be paid any warrant drawn for any purpose unless there has been an appropriation of funds by the board of supervisors for that purpose, any other provision of this Article to the contrary notwithstanding.

§ 15-575.—*All officers and heads of departments, officers, divisions, boards, commissions, and agencies of every county, city, and town shall, on or before the first day of May, 1959, and on or before the first day of April of each year thereafter, prepare and submit to the board of supervisors or council an estimate of the amount of money deemed to be needed during the ensuing fiscal year for his department, office, division, board, commission, or agency; provided, that in any locality where the fiscal year begins on some date other than the first day of July, the estimate shall be submitted at least three months prior to the beginning of the fiscal year. If such person does not submit an estimate in accordance with this section, the clerk of the board of supervisors or council or other designated person or persons shall prepare and submit an estimate for that department, office, division, board, commission or agency.** The board of supervisors of the counties and the councils of the cities and towns shall prepare a budget *for informative and fiscal planning purposes only*, containing a complete itemized and classified plan of all * *contemplated* expenditures and all estimated revenues and borrowings for the locality or any subdivision thereof for the ensuing * *fiscal* year, which shall begin for each county on the first day of July of each year or at such other date as may be provided by law for the beginning of the **fiscal* year.

§ 15-576.—Opposite each item of the * *contemplated* expenditures the budget shall show in separate parallel columns the *aggregate* amount appropriated * *during* the preceding * *fiscal* year, the amount expended during that year, the *aggregate* amount appropriated * *and expected to be appropriated during* the current *fiscal* year, and the increases or decreases in the * *contemplated* expenditures for the ensuing year as compared with the * *aggregate amount appropriated or expected to be appropriated* for the current year. This budget shall be accompanied by:

(1) A statement of the contemplated revenue and disbursements, liabilities, reserves and surplus or deficit of the county, city or town as of the date of the preparation of the budget.

(2) An itemized and complete financial balance sheet for the locality at the close of the last preceding * *fiscal* year.

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§ 15-577.—*For informative and fiscal planning purposes only* a brief synopsis of the budget shall be published in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, at least * *seven* days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. The board of supervisors of any county not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct *. *The hearing shall be held at least seven days prior to the beginning of the fiscal year; provided that the governing body may recess or adjourn from day to day or time to time during such hearing. The fact of such notice and hearing shall be entered of record in the minute book.*

The * *contemplated* expenditure for * *all* purposes as contained in * *the* budget prepared under §§ 15-575 and 15-576 and published under this section shall be * *for informative and fiscal planning purposes only and shall not be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly or monthly appropriation for such contemplated expenditure by the board, council or other governing body.*

§ 15-579.—* The Director *of the Division of the Budget* shall prescribe and furnish for the boards of supervisors * forms and classifications * *to aid in* the preparation of county budgets.

§ 15-584.—* *The governing body* of any county having a special budget law may * *elect to comply with the provisions of this chapter rather than those of the special budget law for that county.*

§ 15-585.—* *The Council* of any city or town whose charter contains provisions for a budget * *may elect to comply with the provisions of this chapter rather than those contained in the charter.*

2. That § 15-582 of the Code of Virginia is repealed.

3. An emergency exists and this Act is in effect from its passage.

CHAPTER 70

An Act to amend and reenact § 38.1-381, as amended, of the Code of Virginia, relating to policies or contracts of bodily injury liability insurance or of property damage liability insurance.

[S 46]

Approved April 27, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-381, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 38.1-381. (a) No policy or contract of bodily injury liability insurance, or of property damage liability insurance, covering liability arising from the ownership, maintenance or use of any motor vehicle, shall be issued or delivered in this State to the owner of such vehicle, or shall be issued or delivered by any insurer licensed in this State upon any motor vehicle then principally garaged or principally used in this State, unless it contains a provision insuring the named insured and any other person responsible for the use of or using the motor vehicle with the consent, expressed or implied, of the named insured, against liability for death or injury sustained, or loss or damage occasioned within the coverage of the policy or contract as a result of negligence in the

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operation or use of such vehicle by the named insured or by any such person.

(b) Nor shall any such policy or contract be so issued or delivered unless it contains an endorsement or provisions undertaking to pay the insured all sums which he shall be legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle, within limits which shall be no less than the requirements of § * *46.1-1(8)*, as amended from time to time, of the Code herein. Such endorsement or provisions shall also provide for no less than five thousand dollars coverage for injury to or destruction of the property of the insured in any one accident but may provide an exclusion of the first two hundred dollars of such loss or damage.

(c) As used in this section, the term "bodily injury" shall include death resulting therefrom; the term "insured" as used in subsections (b), (d), (f), and (g) hereof, means the named insured and, while resident of the same household, the spouse of any such named insured, and relatives of either, while in a motor vehicle or otherwise, and any person who uses, with the consent, expressed or implied, of the named insured, the motor vehicle to which the policy applies and a guest in such motor vehicle to which the policy applies or the personal representative of any of the above; and the term "uninsured motor vehicle" means a motor vehicle as to which there is no (i) bodily injury liability insurance and property damage liability insurance both in the amounts specified by § * *46.1-1(8)*, as amended from time to time, or (ii) there is such insurance but the insurance company writing the same denies coverage thereunder, * (iii) there is no bond or deposit * *of money or* securities in lieu of such bodily injury and property damage liability insurance *and (iv) the owner of such motor vehicle has not qualified as a self-insurer under the provisions of § 46.1-395.* A motor vehicle shall be deemed to be uninsured if the owner or operator thereof be unknown; provided that recovery under the endorsement or provisions shall be subject to the conditions hereinafter set forth.

(d) If the owner or operator of any motor vehicle which causes bodily injury or property damage to the insured be unknown, the insured or someone on his behalf, in order for the insured to recover under the endorsement, shall report the accident as required by § * *46.1-400*, unless such insured is reasonably unable to do so, in which event the insured shall make such report as soon as reasonably practicable under the circumstances.

(e) If the owner or operator of any vehicle causing injury or damages be unkown, an action may be instituted against the unknown defendant as "John Doe" and service of process may be made by delivery of a copy of the motion for judgment or other pleadings to the clerk of the court in which the action is brought and service upon the insurance company issuing the policy shall be made as prescribed by law as though such insurance company were a party defendant. The insurance company shall have the right to file pleadings and take other action allowable by law in the name of John Doe.

(e) (1) Any insured intending to rely on the coverage required by paragraph (b) of this section shall, if any action is instituted against the owner or operator of an uninsured motor vehicle, serve a copy of the process upon the insurance company issuing the policy in the manner prescribed by law, as though such insurance company were a party defendant; such company shall thereafter have the right to file pleadings and take other action allowable by law in the name of the owner or operator of the uninsured motor vehicle or in its own name; provided, however, that nothing in this paragraph shall prevent such owner or operator from em-

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ploying counsel of his own choice and taking any action in his own interest in connection with such proceeding.

This paragraph shall not apply to any cause of action arising prior to the effective date of this amendment.

(f) An insurer paying a claim under the endorsement or provisions required by paragraph (b) of this section shall be subrogated to the rights of the insured to whom such claim was paid against the person causing such injury, death or damage to the extent that payment was made; provided that the bringing of an action against the unknown owner or operator as John Doe or the conclusion of such an action shall not constitute a bar to the insured, if the identity of the owner or operator who caused the injury or damages complained of becomes known, from bringing an action against the owner or operator theretofore proceeded against as John Doe, provided that any recovery against such owner or operator shall be paid to the insurance company to the extent that such insurance company paid the named insured in the action brought against such owner or operator as John Doe, except that such insurance company shall pay its proportionate part of any reasonable costs and expense incurred in connection therewith including reasonable attorneys' fees. Nothing in an endorsement or provisions made under this paragraph nor any other provision of law shall operate to prevent the joining in an action against John Doe of the owner or operator of the motor vehicle causing such injury as a party defendant and such joinder is hereby specifically authorized.

(g) No such endorsement or provisions shall contain any provision requiring arbitration of any claim arising under any such endorsement or provisions, nor may anything be required of the insured except the establishment of legal liability, nor shall the insured be restricted or prevented in any manner from employing legal counsel or instituting legal proceedings.

(h) The provisions of paragraphs (a) and (b) of this section shall not apply to any policy of insurance to the extent that it covers the liability of an employer under any workmen's compensation law.

2. An emergency exists and this act is in force from its passage.

CHAPTER 71

An Act to require the State Board of Education to adopt rules and regulations for the placement of pupils in the public schools; to provide that initial placement shall be made by local school boards; to provide for administrative procedure and remedies for pupils seeking enrollments; to provide for appeals to the State Board of Education; to provide for appeals to the courts of this State; and to provide the conditions under which this act shall be applicable in counties, cities and towns.

[H 50]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. The State Board of Education shall promulgate rules and regulations to be used and applied by school boards in their respective jurisdictions in making placements of individual pupils in particular public schools so as to provide for the orderly administration of such schools, the competent instruction of the pupils enrolled and the health, safety, best interest and general welfare of such pupils.

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§ 2. The placement of pupils in accordance with the rules and regulations adopted by the State Board of Education shall be made by school boards which are hereby authorized to fix attendance areas and adopt such other additional rules and regulations, not inconsistent with the rules and regulations of the State Board, relating to the placement of pupils as may be to the best interest of their respective school districts and the pupils therein.

§ 3. School boards are authorized to designate agents who may be division superintendents, or other school officials or employees, to make all initial placements in the manner required by this Act. All such placements must be made not later than April 15 preceding the school year to which placements are to be applicable and shall become final within ten days after notices thereof have been mailed to the last known address of the parents, guardians or other persons having custody of the pupils so placed and copies thereof delivered by mail, or otherwise, to the office of the principal of the school in which the pupil has been placed. The mailing of the notices of placement as required herein shall be prima facie evidence of receipt of same.

Parents, guardians or other persons having custody of pupils in the public school system are hereby required to notify their school board of any change of address or residence. The placement of any pupil whose parent, guardian or other person fails to so notify his board shall be final.

Any child who has not previously attended the public schools, any child whose residence has been moved from a county, city or town in which such child formerly attended school and any child who wishes to attend a school other than the school which he attended the preceding school year shall not be eligible for placement in a particular school unless application is made therefor, on or before April 5 preceding the school year to which the placement requested is to be applicable, by the parent, guardian or other person having custody of such child to the division superintendent having control of the school to which such child seeks admission. Such application shall be in writing on forms provided therefor by the State Board of Education and shall set forth the relationship of the applicant to the child and such other information as may be required by the State Board or requested by the school board. The action of the school board, or its representative, in making the placement of any pupil, whose parent, guardian or other person having custody of such pupil fails to make application within the time required herein, shall be final.

§ 4. If any parent, guardian, or other person having custody of a pupil, shall feel aggrieved by the placement of such pupil in a particular school under the provisions of § 3 or § 10 of this act then such parent, guardian, or other person may, at any time prior to the placement becoming final, make application in writing to the school board for a review of such action, setting out therein the relationship of the applicant to the pupil and the specific reasons why such pupil should not attend the school in which placed and also setting out the particular reasons why such pupil should be placed in some other school to be named in such application. The school board shall review the initial placement within twenty days after receipt of such application for review. In making the review the school board shall have the authority to examine all records, files and other data pertinent to a consideration of the proper placement of the pupil involved, and shall have the further authority to require any person, including the applicant and the pupil, to appear and present evidence concerning the placement. The applicant shall be notified of the time and place of review and given the opportunity to appear if he so requests in his application. After review, the local board shall determine whether

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the placement sought in such application should be allowed and shall promptly enter an order either affirming the initial placement or changing the same. All such orders shall be entered on or before May 20 preceding the school year to which they are applicable and copies thereof furnished the applicants.

§ 5. The State Board of Education shall hear appeals taken under the subsequent provisions of this act with respect to the placement of pupils made by school boards and for that purpose is hereinafter sometimes referred to as the Board of Appeals. Whenever the words "Board of Appeals" are used in this act, they shall mean the State Board of Education.

The members of the State Board of Education shall receive as compensation for their services under the provisions of this act a per diem of twenty-five dollars for each day actually spent in the performance of such duties and shall be entitled to reimbursement for their necessary expenses incurred in connection therewith.

§ 6. The Board of Appeals may retain counsel and designate, appoint and employ such agents as it may deem desirable and necessary in the administration of its duties. It may designate any of its members or agents to hold the hearings hereinafter provided for and take testimony and submit recommendations in any and all cases referred to them by it. The Board of Appeals, or any member thereof, and any of its agents shall have authority to administer oaths to those who appear before it, any member thereof, or any of its agents in connection with the administration of its duties. The Board of Appeals, or any member thereof, and any of its agents shall also have the authority to issue subpoenas in the name of the Commonwealth to compel the attendance of witnesses and the production of documents. All such subpoenas shall be served by the sheriff, sergeant, constable, or any deputy thereof, of the county, city or town to which the same is directed. Should any person fail or refuse to obey any subpoena so issued, any court of record of the Commonwealth shall have jurisdiction, upon application of the Board of Appeals, a member thereof or its agent, to compel such person to appear before the Board of Appeals, or any member or agent, and give testimony or produce documents as ordered. Should any person fail or refuse to obey an order of the court issued in accordance with this section, he may be punished by the court issuing the same as for contempt thereof.

§ 7. For the conduct of hearings and to facilitate the performance of the duties imposed upon it, its members and agents under this act, the Board of Appeals is authorized to promulgate all such rules and regulations and procedures and prescribe such uniform forms as it deems appropriate and needful and to require strict compliance with the same by all persons concerned.

§ 8. If the parent, guardian, or other person having custody of a pupil who has been placed in a particular public school, or five interested heads of families as described in § 11 of this act, shall feel aggrieved by the final decision of the school board making such placement, such person or heads of families may at any time within ten days from the date of such final decision appeal therefrom to the Board of Appeals. Such appeal shall be by petition with copy thereof delivered to the clerk or chairman of the school board, alleging therein the decision complained of and the objections thereto, and specifying the relief sought.

The Board of Appeals shall thereupon be charged with the duty of reviewing the placement made by the school board and of determining whether or not the petitioner is entitled to the relief requested.

Upon filing the petition for review, the Board of Appeals shall fix the time and place for hearing, which shall be held at Richmond, or a place reasonably accessible to the county, city or town in which the

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petitioner resides if so requested in the petition, and mail notices thereof to the petitioner and the school board. Upon receipt of a copy of the petition, the school board shall immediately certify to the Board of Appeals all records, exhibits and other information considered by it in making the final placement of the pupil concerned. The school board, or its representative, may appear at the hearing, and shall do so upon request of the Board of Appeals, and present such facts and information as may be deemed material for a proper review of the placement.

After consideration of the petition, the information furnished by the school board and the evidence adduced at the hearing, if any, the Board of Appeals shall determine the school in which the pupil should be placed and enrolled and enter an order accordingly. Such order shall be entered within thirty days from the date the petition was filed.

§ 9. If the parent, guardian, or other person having custody of the pupil, or five interested heads of families described in § 11 of this act, shall feel aggrieved by the final order of the Board of Appeals, such person or heads of families may at any time within ten days from the date of such order appeal therefrom to the circuit court of the county or corporation court of the city wherein such child resides. Such appeal shall be by petition against the Board of Appeals as defendant, alleging therein the order complained of and the objections thereto, and specifying the relief sought. Upon the filing of the petition for appeal the clerk of the court shall forthwith issue a summons returnable within twenty-one days. On or before the return day of such summons, the Board of Appeals may file its plea, demurrer, or answer to the allegations contained in the petition, but failure to do so shall not be taken as an admission of the truth of the facts set forth therein. The record on appeal shall consist of the petition to the Board of Appeals and the order complained of duly certified by such board, which shall be filed with the clerk of the court on or before the return day of such summons. The case shall be matured for hearing upon the return date of such summons, and heard and determined de novo by the court without a jury, either in term or vacation.

If the decision of the court be that the order of the Board of Appeals shall be set aside, the court may adjudge that such pupil is entitled to attend the school as claimed in the petition to the Board of Appeals, or such other school as it may find such pupil is entitled to attend, and, in such case, such pupil shall be admitted to such school by the school board. From the final order of the court an appeal may be taken by either party to the Supreme Court of Appeals in the same manner as other appeals are taken from judgments in civil actions.

§ 10. Notwithstanding the requirements of § 3, any child whose residence is established in any county, city or town subsequent to March 5 preceding the school year in which he wishes to attend school shall make application to the school board for placement through his parent, guardian or other person having custody of such child within thirty days after such residence is established. The school board, or its designated agent, shall make the initial placement within 10 days after receipt of such application. Such application shall be in the same form as required by § 3 and the procedure to be followed, except insofar as altered by this section, shall be mutatis mutandis the same as prescribed by the preceding sections of this act.

The action of the school board, or its representative, in making the placement of any pupil, whose parent, guardian or other person having custody of such pupil fails to make application within the time required by this section, shall be final.

All final orders of school boards concerning applications for

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review of placements made by parents, guardians or other persons having custody of children whose residences are established in any county, city or town subsequent to March 5 preceding the school year in which they wish to attend school shall be entered within thirty days after receipt of such applications for review.

§ 11. Any five interested heads of families who are residents of the county, city or town and patrons of the public school involved in the placement or placements required by this act, who may feel themselves aggrieved by the action of the school board, or any of its agents or representatives, in making the initial placement or placements required by this act, may apply for review within ten days from the date all placements must be made pursuant to provisions of § 3, or within ten days after the making of the initial placements under § 10, by making application in writing to the school board setting forth the particular objections to the placement or placements involved. Upon receipt of such application, the school board shall review the placement or placements complained of in the same manner as required by § 4. If the relief requested is not granted, a petition may be filed with the Board of Appeals and the circuit or corporation court, as the case may be, in the same manner as is provided in the case of an aggrieved parent, guardian or other person having custody of a pupil.

§ 12. In any case where schools are operated jointly by more than one political subdivision, any final placement must be approved by a majority of the school board if a single board has been formed pursuant to the provisions of Chapter 6 of Article 5 of Title 22 of the Code and if such single board has not been formed then such final placement must be approved by a majority of the members of each participating board, which said boards shall sit jointly but vote separately.

§ 13. This act shall not be applicable to or effective in any county, city or town, if such town be a separate school district, unless such county, city or town, elects to be bound by the provisions of this act in lieu of §§ 22-232.1 through 22-232.17 of the Code of Virginia as amended. Such election may be made from time to time by ordinance duly adopted by the governing body upon recommendation of the school board of the county, city or town to be affected thereby. In the event that §§ 22-232.1 through 22-232.17 should be finally adjudicated invalid by a court of competent jurisdiction, the provisions of the preceding sections of this act shall be in full force and effect throughout the State; and in the event that the provisions of §§ 22-232.1 through 22-232.17 or any part, sentence, clause or phrase, thereof, should be finally adjudicated inapplicable to the placement of pupils in public schools in any county, city or town, if such town be a separate school district, the provisions of the preceding sections of this act shall be in full force and effect in such county, city or town.

§ 14. If any part or parts, section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part or parts, section, subsection, sentence, clause, phrase or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part or parts, section, subsection, sentence, clause or phrase had not been included herein, or if such application had not been made.

2. This act shall become effective March 1, 1960.

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CHAPTER 72

An Act to enable counties, cities and certain towns in certain cases and under certain circumstances to provide for the compulsory attendance of children between the ages of seven and sixteen upon the public schools of this State and to provide penalties for violations.

[H 68]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. Every parent, guardian, or other person in the Commonwealth, having control or charge of any child, or children, who have reached the seventh birthday and have not passed the sixteenth birthday, shall send such child, or children, to a public school, or to a private, denominational or parochial school, or have such child or children taught by a tutor or teacher of qualification prescribed by the State Board of Education and approved by the division superintendent in a home, and such child, or children, shall regularly attend such school during the period of each year the public schools are in session and for the same number of days and hours per day as in the public schools. The provisions of this section shall apply to any child or children who may be admitted to the primary grades in the public free schools of Virginia under the discretionary provision of § 22-218 of the Code.

§ 2. The period of compulsory attendance shall commence at the opening of the first term of the school which the pupil attends and shall continue until the close of such school for the school year or until the pupil reaches his or her sixteenth birthday.

§ 3. The provisions of this Act shall not apply to children physically or mentally incapacitated for school work, nor to those children suffering from contagious or infectious diseases while suffering from such diseases; nor to children under ten years of age who live more than two miles from a public school, unless public transportation is provided within one mile of the place where such children live; nor to children between ten and sixteen years of age who live more than two and one-half miles from a public school, unless public transportation is provided within one and one-half miles of the place where such children live; nor to children excused under § 4 of this Act. Compulsory education distances shall be measured or determined by the nearest practical routes, which are usable for either walking or riding, from the entrance to the school grounds, or from the nearest school bus stop, to the residence of such children. Physical incapacity or disease shall be established by the certificate of a reputable practicing physician, made in accordance with the rules and regulations adopted by the State Board of Education, and mental incapacity is to be determined by such mental test or tests as may be prescribed by the State Board of Education.

§ 4. Notwithstanding the provisions of § 1 of this Act the school board shall on recommendation of the principal, the superintendent of schools and the judge of the juvenile and domestic relations court of such county or city, or on recommendation of the Superintendent of Public Instruction, excuse from attendance at school any pupil who in their or his judgment cannot benefit from education at such school, provided no such child shall be so excused unless the written consent of his parents or guardian be given; and provided further that notwithstanding any other provisions of this act, the school board shall excuse from attendance at school any pupil whose parent, guardian or other person having custody of such pupil conscientiously objects to his attendance at such school as

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is available, when such fact is attested by the sworn statement of such parent, guardian or other person.

§ 5. Every blind or partially blind child and every deaf child between seven and sixteen years of age, shall attend some school for the blind, or some school for the deaf, or some class in the public schools wherein special methods are used and special equipment and instruction are provided for the blind or deaf for nine months, or during the scholastic year, unless it can be shown that the child is elsewhere receiving regularly equivalent instruction during the period in studies usually taught in the public schools to children of the same age, provided that the superintendent or principal of any school for the blind, or the public schools or the schools for the deaf, or person or persons duly authorized by such superintendents or principals, may excuse cases of necessary absence among its enrolled pupils, and provided, further, that the provisions of this section shall not apply to a child whose physical or mental condition is such as to render its instruction as above described inexpedient or impracticable.

Any blind or partially blind or deaf child who prior to his sixteenth birthday has been regularly enrolled in some school for the blind or some school for the deaf or some class in the public schools wherein special methods are used and special equipment and instruction are provided for the blind or deaf, shall be required to continue attendance thereat until he reaches his twentieth birthday or until he has completed all courses offered by such school from which such child can benefit, unless it can be shown that such child is elsewhere receiving regularly equivalent instruction during the period in studies usually taught in the public schools.

§ 6. Every person having under his or her control a child between the ages above set forth, shall cause the child to attend school or receive instruction as required by this Act.

§ 7. Any person violating any of the preceding sections shall be guilty of a misdemeanor.

§ 8. Within ten days after the opening of the school, each principal teacher shall report to the division superintendent the names of the pupils enrolled in the school, giving age, grade and the name and address of parent or guardian.

§ 9. Within ten days after the opening of the school, each principal teacher shall submit another report to the division superintendent giving to the best of the principal teacher's information the names of all children not enrolled in school, with the name and address of parent or guardian, within the limits of the compulsory education requirements with regard to age and distance, according to the provisions of § 3.

§ 10. The division superintendent shall check these lists with the last school census and with reports from the Bureau of Vital Statistics. From these reports and from any other reliable source the superintendent shall within five days make a list of the names of children who are not enrolled in any school, and who are not exempt from school attendance. It shall be the duty of the division superintendent, or the attendance officer, if one be employed, to investigate all cases of nonenrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child, to require the attendance of such child at the school within three days from the date of such notice.

§ 11. A list of persons so notified shall be sent by the superintendent of schools, or the attendance officer, if there is one, to the principal teacher of the school. If the parent, guardian or other person having control of the child or children fails, within the specified time, to comply with the law, it shall be the duty of the division superintendent or the chief attendance officer, if there be one, to make complaint in the name of the Commonwealth before the juvenile and domestic relations court. In addition

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thereto, such child or children may be proceeded against as a neglected child or children in the manner provided by Title 63 of the Code.

§ 12. Any person who induces, or attempts to induce, any blind or partially blind child or a deaf child to absent himself unlawfully from school or employs or harbors any such child absent unlawfully from school, while the school is in session, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof before a juvenile and domestic relations court, be fined a sum not exceeding ten dollars for each offense.

§ 13. The principal teacher of every public school in the counties and towns and the truant officers of the cities shall, within thirty days from the beginning of the school year, furnish the division superintendent and the county, city or town school board with the names of all children who are blind or partially blind or deaf between the ages of seven and sixteen years, inclusive, living within the boundaries of his or her school district who do not attend school. It shall be the duty of the school board to certify forthwith the names of all such deaf children to the respective superintendents of the State schools for the deaf, and of all such blind or partially blind children to the Virginia Commission for the Visually Handicapped and to the superintendents of the schools for the blind whose duty it shall be to investigate all cases of nonenrollment of such blind children, and when no valid reason is found therefor, such child or children shall be required to attend school as provided in § 5.

§ 14. For the practical interpretation of the preceding sections of this Act a definition of a blind or partially blind child is as follows: A blind child is a child who has, with correcting glasses, twenty-two hundred vision or less, in the better eye. A partially blind child is a child who has twenty-seventy vision or less, in the better eye, or one who has some progressive eye trouble which in the opinion of a competent ophthalmologist makes it necessary for the child to attend a special school or a special class in the public schools.

§ 15. Every teacher in every school in the Commonwealth shall keep an accurate daily record of attendance of all children between seven and sixteen years of age. Such record shall, at all times, be open to any officer authorized to enforce the provisions of this Act who may inspect or copy the same, and shall be admissible in evidence in any prosecution for a violation of this Act, as prima facie evidence of the facts stated therein.

§ 16. Every county school board and school board of a city or town shall have power to appoint, with the approval of its division superintendent of schools, one or more attendance officers who shall be primarily charged with the enforcement of the preceeding sections of this Act, and for such purpose only, provided that, in a county, city or town where no attendance officer is appointed by the local school board, the division superintendent of schools shall act as attendance officer with the same powers conferred on attendance officers.

§ 17. Such attendance officers shall have the powers and authority of a sheriff. The compensation of such attendance officers, or of the division superintendent of schools, when he acts as such, shall be fixed by the school boards and paid out of funds available to the school board for public schools. Every attendance officer shall keep an accurate record of all notices served, of cases prosecuted and all other services performed, and shall make an annual report of the same to the board appointing him.

§ 18. Any parent, guardian, or other person who makes a false statement concerning the age of a child between the ages of seven and sixteen years, for the purpose of evading the provisions of this Act, shall be guilty of a misdemeanor.

§ 19. Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors,

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while school is in session, any child absent unlawfully, shall be guilty of a misdemeanor.

§ 20. Any child or children permitted by any parent, guardian, or other person having control thereof, to be habitually absent from school, contrary to the provisions of this Act, shall be deemed a neglected child, to be disposed of in the manner prescribed by Title 63 of the Code.

§ 21. It shall be the duty of the attorneys for the Commonwealth of the several counties and cities to prosecute all cases arising under this Act and juvenile and domestic relations courts shall have exclusive original jurisdiction for the trial of such cases.

§ 22. When it is found upon investigation that the parent, guardian or other person having control of a child is unable to provide the necessary clothes in order that the child may attend school, such parent, guardian or other person shall not be punished, unless the local board of public welfare, from public funds or otherwise, or some other agency or person, furnish such child with the necessary clothes, and thereafter such parent, guardian or other person fails to send such child or children, to school, as required by law.

§ 23. The State Board of Education shall have the authority and it shall be its duty to see that the compulsory attendance laws, as provided in this Act, are properly enforced in those counties, cities and towns wherein this Act is in force.

§ 24. This Act shall be in force in every county, city or town, if such town be a separate school district, when it has been recommended by resolution of the county, city or town school board and duly adopted by the governing body of such county, city or town in the same manner as local ordinances are adopted. The operation of this Act may be suspended in any county, city or town, if such town be a separate school district, by the governing body thereof in the same manner as local ordinances are repealed.

§ 25. In any case where schools are operated jointly by more than one political subdivision, any resolution adopted pursuant to the authority of this Act must be approved by a majority of the school board if a single board has been formed pursuant to the provisions of Chapter 6, Article 5, Title 22 of the Code and if such single board has not been so formed then by a majority of the members of each participating board, which said boards shall sit jointly but vote separately.

§ 26. If any part, section, sentence, clause or phrase of this Act, or the application thereof to any person or circumstance, when it becomes in full force and effect in any county, city or town as provided herein, shall for any reason be adjudged to be invalid the remainder shall be inoperative; and the General Assembly hereby declares that it would not have passed this Act if such invalid part, section, paragraph, sentence, clause or phrase had not been included therein, or if such application had not been made.

2. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

CHAPTER 73

*An Act to amend and reenact § 58-78, as amended, of the Code of Virginia, **relating to definition of gross income and exclusions therefrom for purpose of income taxation.***

[H 92]

Approved April 28, 1959

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Be it enacted by the General Assembly of Virginia:

1. That § 58-78, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-78. (a) General definition.—The term "gross income", as used herein, includes gains, profits and income derived from salaries, wages or compensation for personal services of whatever kind and in whatever form paid or from professions, vocations, trades, businesses, commerce or sales or dealings in property, whether real or personal, growing out of the ownership, use or interest in such property; also from rent, interest, dividends, securities or transactions of any business carried on for gain or profit or gains or profits and income derived from any source whatever, including gains or profits and income derived through estates or trusts by the beneficiaries thereof, whether as distributive or distributable shares.

The term includes all interest received within the taxable year on refunds of State or United States taxes.

The term includes compensation received for personal service as an officer or employee of the United States, any territory or possession or political subdivision thereof, the District of Columbia or any agency or instrumentality of any one or more of the foregoing; and the term "officer or employee" includes a member of a legislative body, a judge or officer of a court and a person in the armed forces.

The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer, unless under the methods of accounting permitted herein such amounts are to be properly accounted for as of a different period.

(b) Exclusions from gross income.—The following items shall not be included in gross income and shall be exempt from taxation under this chapter:

(1) The proceeds of life insurance policies and contracts paid upon the death of the insured.

(2) The amount received by the insured as a return premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at the maturity of the term mentioned in the contract, or at the surrender of the contract.

(3) The value of property acquired by gift, bequest, devise or inheritance, but the income received from such gifts, bequests, devises and inheritances shall be assessed under the provisions of this chapter.

(4) Any amount received through accident or health insurance or under workmen's compensation acts or under ordinances in the nature of workmen's compensation acts, as compensation for personal injuries or sickness and the amount of any damages received, whether by suit or agreement, on account of such injuries or sickness.

(5) Interest upon obligations of the United States or of this State or of any political subdivision of this State, *interest upon obligations issued by any educational institution under Chapter 3 of Title 23 of this Code,* and interest upon securities issued under the provisions of the Federal Farm Loan Act.

(6) Pensions received from the United States or this State on account of military or naval service in armed forces, whether such service was rendered by the recipient of the pension or by a relative by blood or marriage.

(7) Amounts received as pensions, annuities, or similar allowances for personal injury or sickness resulting from active service in the armed forces of the United States or of this State.

(8) Benefits received under federal and State social security acts.

(9) The rental value of a dwelling house and appurtenances thereof furnished to a minister of the gospel as part of his compensation.

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(c) Alimony, etc., income.—In the case of a wife who is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, periodic payments (whether or not made at regular intervals) received subsequent to such decree in discharge of, or attributable to property transferred (in trust or otherwise) in discharge of, a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by such husband under such decree or under a written instrument incident to such divorce or separation shall be includible in the gross income of such wife, and such amounts received as are attributable to property so transferred shall not be includible in the gross income of such husband. This subsection shall not apply to that part of any such periodic payment which the terms of the decree or written instrument fix, in terms of an amount of money or a portion of the payment, as a sum which is payable for the support of minor children of such husband. In case any such periodic payment is less than the amount specified in the decree or written instrument, for the purpose of applying the preceding sentence, such payment, to the extent of such sum payable for such support, shall be considered a payment for such support. Installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree or instrument shall not be considered periodic payments for the purposes of this subsection; except that an installment payment shall be considered a periodic payment for the purposes of this subsection if such principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than ten years from the date of such decree or instrument, but only to the extent that such installment payment for the taxable year of the wife (or if more than one such installment for such taxable year is received during such taxable year, the aggregate of such installment payments) does not exceed ten per centum of such principal sum. For the purposes of the preceding sentence, the portion of a payment of the principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be considered an installment payment for the taxable year in which it is received. (In cases where such periodic payments are attributable to property of an estate or property held in trust, see § 58-121.1.)

(d) Definition of "adjusted gross income".—As used in this chapter the term "adjusted gross income" means the gross income minus:

(1) Trade and business deductions.—The deductions allowed by § 58-81 which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(2) Expenses of travel and lodging in connection with employment.—The deductions allowed by § 58-81 which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee;

(3) Reimbursed expenses in connection with employment.—The deductions allowed by § 58-81 (other than expenses of travel, meals, and lodging while away from home) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer;

(3a) Outside salesman.—The deductions allowed by § 58-81 which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer;

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(4) Deductions attributable to rents and royalties.—The deductions (other than those provided in paragraphs (1), (5), or (6)) allowed by § 58-81 which are attributable to property held for the production of rents or royalties;

(5) Certain deductions of life tenants and income beneficiaries of property.—The deductions (other than those provided in paragraph (1)) for depreciation and depletion, allowed by § 58-81 (i) and (j) to a life tenant of property or to an income beneficiary of property held in trust;

(6) Losses from sales or exchange of property.—The deductions (other than those provided in paragraph (1)) allowed by § 58-81 as losses from the sale or exchange of property; and

(7) Dividend deductions.—The deductions allowed by § 58-81 (k) and (l).

2. This act shall be in force for taxable years beginning after December 31, 1958.

CHAPTER 74

An Act to repeal Chapter 69 of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, which was codified as §§ 22-188.30 through 22-188.40 of the Code of Virginia, relating to certain State established school systems.

[H 96]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That Chapter 69 of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, which was codified as §§ 22-188.30 through 22-188.40 of the Code of Virginia, is repealed.

CHAPTER 75

An Act to repeal Chapter 41 of the Acts of Assembly of 1958, approved February 17, 1958, which was codified as §§ 22-188.41 through 22-188.45 of the Code of Virginia, relating to closing of schools policed under Federal authority.

[H 97]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That Chapter 41 of the Acts of Assembly of 1958, approved February 17, 1958, which was codified as §§ 22-188.41 through 22-188.45 of the Code of Virginia, is repealed.

CHAPTER 76

An Act to repeal Chapter 319 of the Acts of Assembly of 1958, approved March 13, 1958, which was codified as §§ 22-188.46 through 22-188.49

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of the Code of Virginia, relating to closing of schools disturbed by Federal policing.

[H 98]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That Chapter 319 of the Acts of Assembly of 1958, approved March 13, 1958, which was codified as §§ 22-188.46 through 22-188.49 of the Code of Virginia, is repealed.

CHAPTER 77

An Act to repeal Chapter 68, as amended, of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, which was codified as §§ 22-188.3 through 22-188.15 of the Code of Virginia, relating to the closing of schools.

[H 99]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That Chapter 68, as amended, of the Acts of Assembly of 1956, Extra Session, approved September 29, 1956, which was codified as §§ 22-188.3 through 22-188.15 of the Code of Virginia, is repealed.

CHAPTER 78

An Act to amend and reenact §§ 22-89 and 22-90 of the Code of Virginia, relating to appointment of school trustees in cities; and to amend the Code of Virginia by adding a section numbered 22-89.1, prescribing the method of selecting and terms of office of school trustees in the city of Norfolk.

[H 105]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-89 and 22-90 of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding a section numbered 22-89.1, as follows:

§ 22-89. The council of each city except as otherwise provided by the city charter shall, on or before July first, nineteen hundred and thirty, appoint three trustees for each school district in such city, whose term of office shall be three years, respectively, and one of whom shall be appointed annually. The first appointment hereunder shall be one for one year, one for two years, and one for three years, beginning July first, nineteen hundred and thirty, and thereafter all appointments shall be for three years. If a vacancy occurs in the office of trustee at any time during the term, the council shall fill it by appointing another for such part of the term as has not expired. Within thirty days preceding the day on which the term of such trustees shall expire by limitation, and within the like number of days preceding the day on which the term of

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any trustee shall expire by limitation in any subsequent year, such council shall appoint a successor to each such trustee in office, whose term shall commence when the term of predecessor shall have expired; provided, the office of any such trustee has not been abolished in redistricting the city; and, provided, that * *in the city of Norfolk the trustees shall be appointed in accordance with the provisions of § 22-89.1 rather than in accordance with the provisions of the city charter,* and *provided,* further, that the common council of the city of Winchester shall select and appoint the school trustees for said city, and that in all other respects the provisions of this section shall apply to the city of Winchester. All acts heretofore done by the school board of the city of Winchester are hereby validated.

§ 22-89.1. Until June 30, 1959 the school trustees of the city of Norfolk shall be appointed and be of such number as provided by § 22-89 prior to the effective date of this act. Thereafter, there shall be seven school trustees, to be selected from the city at large. Three school trustees shall be appointed by the council of the city to serve terms beginning July 1, 1959. One of such trustees shall be appointed to serve for a term of one year, and two of such trustees shall be appointed to serve for terms of two years. They shall, together with the two trustees heretofore appointed whose terms expire June 30, 1960 and the two trustees heretofore appointed whose terms expire June 30, 1961 shall constitute the school trustees of the city of Norfolk. Thereafter the council shall appoint all trustees for terms of two years. In the event any vacancy occurs in the school trustees the council shall fill the vacancy for the unexpired term. The school trustees shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the change in the number and terms of the school trustees as provided herein.

§ 22-90. Every school trustee shall, at the time of his appointment, be a resident of the school district for which appointed, and if he shall cease to be a resident thereof, his office shall be deemed vacant; *provided, however, that the provisions of this section shall not apply to the school trustees of the city of Norfolk.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 79

An Act to amend and reenact §§ 22-55, 22-60 as amended, 22-72 as amended, 22-73, 22-78, 22-97 as amended, 22-126 as amended, 22-127 as amended, 22-128 as amended, 22-130, 22-132, 22-133 and 22-141 as amended, of the Code of Virginia, relating to management and control of funds made available to school boards, auditing and approving claims and issuing warrants by school boards, levies and appropriations for school purposes, including capital expenditures, indebtedness, and rents, custody and disbursement of local school funds, and town school districts' share of county school funds, to provide claims against, warrants issued by, and disbursements on behalf of the school board of a county, city, or town shall only be payable out of funds made available to the school board, to provide for the appropriation of funds for public school and for educational purposes, annually, semiannually, quarterly, or monthly, the levying of taxes for public school purposes by counties, cities, and towns, including for capital expenditures, indebtednesses, and rents; to add to the Code of Virginia new Sections numbered 22-120.3, 22-120.4, and 22-120.5 to provide

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the superintendent shall prepare and submit with the approval of the school board an estimate of the amount of money deemed to be needed for public schools and in the alternative an estimate of the money deemed to be needed for educational purposes, the inclusion of such estimates in the county budget for informative and fiscal planning purposes only, the request for funds for public schools and for educational purposes; to repeal, with certain exceptions as to certain litigation, §§ 22-121, 22-122, 22-123, 22-124, 22-125, 22-127.1, 22-129, 22-131, 22-139, and 22-139.1 of the Code of Virginia, and all amendments thereof, relating to budgets, estimates, and requests for funds needed for school purposes, the decreasing of appropriations for public schools during a school term, to referendum in a county, city, or town in event the governing body refuses to lay such levy or make such appropriation as is requested by the division superintendent, the cessation of expenditures on local school funds on direction of the governing body, town levies for school purposes, assessment of taxes for public school purposes, apportionment of state school funds, and additional funds for school purposes from local school taxes; and to validate certain acts.

[S 27]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-55, 22-60 as amended, 22-72 as amended, 22-73, 22-78, 22-97 as amended, 22-126 as amended, 22-127 as amended, 22-128 as amended, 22-130, 22-132, 22-133, and 22-141 as amended, of the Code of Virginia, be amended and reenacted, and §§ 22-120.3, 22-120.4, and 22-120.5 be added to the Code as follows:

§ 22-55.—The school board of any county, city or town, or any two or more of such school boards acting in conjunction, may establish and operate or cause to be established and operated, for the benefit of children of school age, vacation schools or camps for the advancement of education, physical training, health, nutrition, the prevention of communicable diseases, or for any other purpose deemed by such board or boards beneficial to children of school age requiring special training or attention or which will promote the efficiency of their respective school systems. Such school board or boards may provide and appropriate such sum or sums as may be reasonable and requisite for such purposes; or may appropriate such sum or sums and permit the proper use of any school property, under reasonable safeguards, toward the establishment and operation of such vacation school or camp conducted under the auspices and supervision of any other governmental agency approved by such school board or boards, for the benefit of children of school age within the jurisdiction of such board or boards; provided, such * *activity* shall have been included in the * *estimate of money deemed to be needed for public schools* for the year in which such appropriation may be made, and provided, further, that the establishment and operation of such school or camp shall be approved, as to conditions affecting sanitation and safety, by the health authorities having jurisdiction of the area in which such vacation school or camp is located and conducted.

§ 22-60.—In each county there shall be a board, to be known as the school trustee electoral board, which shall be composed of three resident qualified voters, who are not county or State officers, to be appointed by the circuit court of each county, or the judge in vacation, within thirty days after the first day of July, nineteen hundred and fifty and every four years thereafter. The members of the trustee electoral board shall

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each receive a per diem of ten dollars for each day actually employed, to be paid out of the * *funds made available to the school board.* Any vacancy occurring within the terms of the appointees shall be filled by the circuit court, or by the judge in vacation, within thirty days thereafter. No person employed by, or paid from, public school funds in whole or in part shall be eligible to serve on such trustee electoral board.

§ 22-72.—The school board shall have the following powers and duties:

(1) Enforcement of school laws.—To see that the school laws are properly explained, enforced and observed.

(2) Rules for conduct and discipline.—To make local regulations for the conduct of the schools and for the proper discipline of the students, which shall include their conduct going to and returning from school, but such local rules and regulations shall be in harmony with the general rules of the State Board and the statutes of this State.

(3) Information as to conduct.—To secure, by visitation or otherwise, as full information as possible about the conduct of the schools.

(4) Conducting according to law.—To take care that they are conducted according to law and with the utmost efficiency.

(5) Payment of teachers and officers.—To provide for the payment of teachers and other officers on the first of each month, or as soon thereafter as possible.

(6) School buildings and equipment.—To provide for the erecting, furnishing, and equipping of necessary school buildings and appurtenances and the maintenance thereof.

(6a) Insurance.—To provide for the necessary insurance on school properties against loss by fire or against such other losses as deemed necessary.

(7) Drinking water.—To provide for all public schools an adequate and safe supply of drinking water and see that the same is periodically tested and approved by or under the direction of the State Board of Health, either on the premises or from specimens sent to such board.

(8) Textbooks for indigent children.—To provide such textbooks as may be necessary for indigent children attending public schools.

(9) Costs and expenses.—In general, to incur costs and expenses, but only the costs and expenses of such items as are provided for in its **estimates submitted to the tax levying body* without the consent of the tax levying body.

(10) Consolidation of schools.—To provide for the consolidation of schools whenever such procedure will contribute to the efficiency of the school system.

(11) Other duties.—To perform such other duties as shall be prescribed by the State Board or as are imposed by law.

§ 22-73.—The school board shall receive and audit all claims arising from commitments made pursuant to the provisions of §§ 22-71 to 22-78 and by resolution or recorded vote, to approve and issue warrants on the county treasurer *payable out of funds made available to the school board for public schools* in settlement of those of such claims **as* are found to be valid.

§ 22-78.—The school board may provide, by resolution, for the drawing of special warrants on the county treasurer, payable out of the * funds *made available to the school board for public schools* in payment of compensation, when such compensation has been earned and is due, for (1) all employees and school bus operators under written contract, and (2) upon receipt of certified time sheets or other evidence of service performed, the payment of all other employees whose rates of pay have been established by the school board or its properly delegated agent, and (3) for payment on contracts for school construction projects according

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to the terms of such contracts. All such special warrants so authorized shall be signed by the clerk or deputy clerk of the school board and countersigned by the division superintendent of schools or the chairman or vice chairman of the school board, provided, however, that when the division superintendent and clerk is one and the same person such special warrants shall be countersigned by such chairman or vice chairman. Any special warrant may be converted to a negotiable check in the manner provided in § 22-76.

Such payrolls and contracts so paid shall be reviewed and approved by the school board at its next regular meeting.

§ 22-97. The city school board shall have the following powers and duties:

(1) Rules and regulations.—To explain, enforce, and observe the school laws, and to make rules for the government of the schools, and for regulating the conduct of pupils going to and returning therefrom.

(2) Method of teaching and government employed.—To determine the studies to be pursued, the methods of teaching, the government to be employed in the schools, and the length of the school term.

(3) Employment and control of teachers.—To employ teachers on recommendation of the division superintendent and to dismiss them when delinquent, inefficient or in anywise unworthy of the position; provided, that no school board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force, according to the provisions of §§ 22-203 to 22-206. It shall also be unlawful for the school board of any city, or any town constituting a separate school district, to employ or pay any teacher or other school employee related by consanguinity or affinity as provided in § 22-206. The exceptions and other provisions of that section shall apply to this section.

(4) Suspension or expulsion of pupils.—To suspend or expel pupils when the prosperity and efficiency of the school make it necessary.

(5) Free textbooks.—To decide what children, wishing to enter the schools of the city, are entitled by reason of poverty of their parents or guardians to receive textbooks free of charge, and to provide for supplying them accordingly.

(6) Establishment of high and normal schools.—To establish high and normal schools and such other schools as may, in its judgment, be necessary to the completeness and efficiency of the school system.

(7) Census.—To see that the census of children required by § 22-223 is taken within the proper time and in the proper manner.

(8) Meetings of board.—To hold regular meetings and to prescribe when and how special meetings may be called.

(9) Meetings of people.—To call meetings of the people of the city for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside if present.

(10) School houses and property.—To provide suitable schoolhouses, with proper furniture and appliances, and to care for, manage, and control the school property of the city. For these purposes it may lease, purchase, or build such houses according to the exigencies of the city and the means at its disposal. No schoolhouse shall be contracted for or erected until the plans therefor shall have been submitted to and approved in writing by the division superintendent of schools, and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard for decency and health; and when a schoolhouse appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same, and immediately to give notice thereof, in writing, to the chairman

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of the school board, and thenceforth no public school shall be held therein, nor shall any part of the State or city fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the city school board that he is satisfied with the condition of such building, and with the appliances pertaining thereto.

(11) Visiting schools.—To visit the public free schools within the city, from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

(12) Management and control of * funds.—To manage and control the * funds of the city *made available to the school board for public schools,* to provide for the pay of teachers and of the clerk of the board, for the cost of providing schoolhouses and the appurtenances thereto and the repairs thereof, for school furniture and appliances, for necessary text books for indigent children attending the public free schools, and for any other expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers.

(13) Approval and payment of claims.—To examine all claims against the school board, and when approved, to order or authorize the payment thereof. A record of such approval, order or authorization shall be made in the proceedings of the board. Payment of each claim shall be ordered or authorized by a warrant drawn on the treasurer or other officer of the city charged by law with the responsibility for the receipt, custody and disbursement of the funds *made available to the school board* of such city. The warrant shall be signed by the chairman or vice chairman of the board and countersigned by the clerk or deputy clerk thereof, payable to the person or persons, firm or corporation entitled to receive such payment. There shall be stated on the face of the warrant the purpose or service for which such payment is drawn and also that such warrant is drawn pursuant to an order entered or authority granted by the board on the .....day of ..... The warrant may be converted into a negotiable check when the name of the bank upon which the funds stated in the warrant are drawn or by which the check is to be paid is designated upon its face and is signed by the treasurer, deputy treasurer or other officer of the city charged by law with the responsibility for the receipt, custody and disbursement of the funds of the city.

The board may, in its discretion, appoint an agent and a deputy agent to act for the agent in his absence or inability to perform this duty by resolution spread upon the record of its proceedings to examine and approve such claims and, when approved by him or his deputy to order or authorize the payment thereof. A record of such approval, order or authorization shall be made and kept with the records of the board. Payment of each such claim so examined and approved by such agent or his deputy shall be ordered or authorized by a warrant drawn on the treasurer or other officer of the city charged by law with the responsibility for the receipt, custody, and disbursement of the funds *made available to the school board* of the city. The warrant shall be signed by such agent or his deputy and countersigned by the clerk or deputy clerk of the board, payable to the person or persons, firm or corporation entitled to receive such payments; provided, however, that when the agent appointed by the board is the division superintendent of schools and the division superintendent and clerk is one and the same person, all such warrants shall be countersigned by the chairman or vice chairman of the board; provided further that when the deputy agent and deputy clerk is one and the same person the warrant shall be countersigned by either the clerk or the agent of the board. There shall be stated on the face of the warrant the purpose or service for which such payment is made and also that such

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warrant is drawn pursuant to authority delegated to such agent or his deputy by the board on the .....day of ..... The warrant may be converted into a negotiable check in the same manner as is prescribed herein for warrants ordered or authorized to be drawn by the school board. The board shall require such agent and his deputy to furnish the city a corporate surety bond conditioned upon the faithful performance and discharge of the duties herein assigned to each such official. The board shall fix the amount of such bond or bonds and the premium therefor shall be paid out of the * funds *made available to the school board* of such city.

(14) Report of expenditures and estimate of necessary funds.—It shall be the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified report of all expenditures and a classified estimate of * funds * *deemed to* be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make provisions by appropriation or levy *pursuant to* § *22-126,* for the same.

(15) Other duties prescribed by State Board.—To perform such other duties as shall be prescribed by the State Board or are imposed by other parts of this title.

(16) Acquisition of land.—City school boards shall, in general, have the same power in relation to the condemnation or purchase of land and to the vesting of title thereof, and also in relation to the title to and management of property of any kind applicable to school purposes, whether heretofore or hereafter set apart therefor, and however set apart, whether by gift, grant, devise, or any other conveyance and from whatever source, as county school boards have in the counties, and in addition thereto, they shall have the further right and power to condemn not in excess of fifteen acres of land for any one school when necessary for school purposes, except that when dwellings or yards are invaded no more than five acres may be condemned for any one school.

(17) Consolidation of schools.—To provide for the consolidation of schools whenever such procedure will contribute to the efficiency of the school system.

§ *22-120.3.—It shall be the duty of the division superintendent of schools, on or before the first day of May, 1959, and on or before the first day of April of each year thereafter, to prepare, with the advice of the school board, and submit to the governing body of the county, city, or town, if the town be a separate school district, two estimates. The first estimate shall show the amount of money deemed to be needed during the next scholastic year, for the support of the public schools of the county, city, or town. The second estimate shall show, in the alternative, the amount of money deemed to be needed for educational purposes for the county, city, or town.*

§ *22-120.4.—On the basis of the two estimates, the division superintendent of schools shall request the governing body of the county, city, or town to fix such levy, or make such appropriations as will provide an amount of money deemed to be needed for the operation of the public schools, or will provide an amount of money deemed to be needed for the educational purposes of such county, city, or town.*

§ 22-120.5.—The board of supervisors shall include in the county budget, prepared for informative and fiscal planning purposes only, an estimate of the amount of money deemed by the school board to be needed for the public schools of the county, or in the alternative, an estimate of the funds deemed by the school board to be needed for educational purposes. The board of supervisors may, in its discretion, include and publish in the county budget both alternative estimates. The two estimates

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so prepared shall be submitted to and approved by the school board prior to submission to the tax levying body. The estimate of the amount of money deemed to be needed for support of public schools shall set up the amount of money deemed to be needed for overhead charges, for instruction, for operation, for maintenance, for a reserve fund to purchase new school buses to replace obsolete or worn out equipment, for auxiliary agencies, for miscellaneous, and for permanent capitalization and such other headings or items as may be necessary. The alternative estimate of the amount of money deemed to be needed for educational purposes shall show the number of children who reside in the county, city, or town between the ages of six and twenty years multiplied by the expected average cost per child to the county, city, or town and a sum sufficient for debt service.

§ 22-126.—Each county, *city, *and town if the town be a separate school district,* is authorized to raise sums of money by a tax on all property, subject to local taxation, at such rate as may be deemed sufficient, but in no event more than three dollars on the one hundred dollars of the assessed value of the property in any one year to be expended by the local school authorities in establishing, maintaining and operating such schools as in their judgment the public welfare requires and in payment of **scholarships* for the furtherance of elementary or secondary education and transportation costs as required or authorized by law; provided that in counties with a population of more than six thousand four hundred but less than six thousand five hundred, such rate may be increased to four dollars on the one hundred dollars of the assessed value of the property therein in any one year; and provided further that in counties having a population of more than thirty-seven thousand but less than thirty-nine thousand such rate may be increased to four dollars on the one hundred dollars of the assessed value of the property therein in any one year.

§ 22-127. *The governing body of any county, *city, *or town if the town be a separate school district,* may, in its discretion, make a cash appropriation, **either annually, semi-annually, quarterly, or monthly,* from the funds derived from the general county, *city, *or town* levy **and* from any *other* funds available, *of* such sums as in its judgment may be necessary or expedient for the establishment, maintenance and operation of *public schools, **and/or for educational purposes.*

§ 22-128. For capital expenditures and for the payment of indebtedness or rent, the governing body of any county, city * *or town if the town be a separate school district,* may levy a special county tax, a special district tax, or a special city tax, *or a special town tax,* as the case may be, on all property subject to local taxation, such levy or levies to be at such rate or rates as the governing body levying the tax may deem necessary for the purpose or purposes for which levied, except that where the tax is for raising funds for capital expenditures the rate shall not be more than two dollars and fifty cents on the one hundred dollars of the assessed value of the property in any one year; *provided that there may be exempted from such taxes for debt service on Literary Fund Loan or other loan for capital outlay, property located in a special town school district which levies its own taxes for debt service and capital outlay.*

§ 22-130.—Nothing contained in §§ 22-126 * *through 22-128* shall be construed as raising or abrogating any maximum tax rate limit provided in any city charter.

§ 22-132.—All funds both State and local * *made available to the school board* for * *public school and/or educational purposes* in each city shall be * *recorded by* the treasurer or other officer of the city charged by law with the responsibility for the receipt, custody and disbursement of the funds of the city * in an account or accounts separate and distinct from

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all other funds. Such school funds shall be disbursed upon the order or authority of the school board of the city.

§ 22-133.—All funds *made available to the school board* for *public* school *and/or educational* purposes in the counties, both State and local shall be handled by the county treasurer and paid out in the same manner as other county funds are paid out by him under the provisions of § 58-951.

§ 22-141.—(a) Funds to be paid by county treasurer to town treasurer.—For the benefit of each town school district operated by a school board of three members, the county school board shall require the county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be used for *public* school *and/or educational* purposes within such special town school district:

(1) From the amount derived from * *a* county *school* levy and/or appropriations for *public* school *and/or educational* purposes, a sum equal to the pro rata amount from such levy or appropriations derived from such town.

(2) The amount due from State school funds received by the county for general school purposes, to be determined as between the county and the town on the same basis of distribution used by the State in making the distribution of such school funds to the counties and cities.

(3) The amounts due from the county to such special town school district from special State school funds to be determined in accordance with the purposes for which the allocations are made.

(4) From federal funds allocated to and received by the county on the basis of federally connected pupils for operations and/or capital outlay purposes, to be apportioned between the county and the town on the same basis of distribution as used in making the allotment of such federal funds to the county and in the ratio that such federally connected pupils residing in the town bear to the total of such federally connected pupils residing in the county including the town and which were included in the county's application for such federal funds.

(b) District located in adjoining counties.—Where a special town school district is located partly in each of two adjoining counties and operated by a town school board created or constituted by the charter of such town, for the benefit of such town school district, each county school board shall require each respective county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be used for *public* school *and/or educational* purposes within such special town school district:

(1) From the amount derived from * *a* county *school* levy and/or appropriations in each respective county for *public* school *and/or educational* purposes, a sum equal to the pro rata amount from such levy or appropriations derived from such town.

(2) The amount due from State school funds received by each county for general school purposes, to be determined as between each county and the town on the same basis of distribution used by the State in making the distribution of such school funds to the counties and cities.

(3) The amounts due from each county to such special town school district from special State school funds to be determined in accordance with the purposes for which the allocations are made.

(c) State funds from special sources.—None of the provisions of this section shall require the county treasurer to pay over to the town treasurer of a special town school district any funds received from the State from special sources, including funds distributed to the localities from the profit realized from the operation of the State alcoholic beverage control system, when said town has received direct appropriations or allocations from the State from the same special sources.

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(d) Sections not amended or repealed.—None of the provisions of this section or §§ 22-42, 22-43, 22-60, 22-67 and 22-99 shall be construed to amend or repeal the provisions of §§ 15-292 and 15-324.

2. That all acts heretofore done under §§ 22-124, 22-127 before the amendment by this act, and § 22-127.1 of the Code of Virginia, are hereby validated.

3. That §§ 22-121, 22-122, 22-123, 22-124, 22-125, 22-127.1, 22-129, 22-131, 22-139 and 22-139.1 of the Code of Virginia, and all amendments thereof, be repealed; provided that the repeal of said §§ 22-124 and 22-127.1 shall not be operative as to pending litigation wherein the right of a local governing body to make tentative appropriation or to terminate an appropriation already made, pursuant to §§ 22-124, 22-127 before amendment by this act, or § 22-127.1 is in issue, but these sections shall continue in force, anything herein to the contrary notwithstanding.

4. An emergency exists and this Act is in force from its passage.

CHAPTER 80

An Act to authorize any person, firm or corporation to use any existing building for the purpose of operating a private elementary or high school notwithstanding the provisions of any other statute, city charter, or ordinance.

[S 31]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding the provisions of any other statute, the provisions of any city charter, local ordinance, zoning requirement, plumbing or building code or any other requirement of any city, town or county, any person, firm or corporation desiring to operate a private elementary or high school for the education of any of the children of any county, city or town in this Commonwealth may with the permission of the owner, lessee or other person having control of any building now existing occupy any such building and use the same for the purpose of operating such school without securing any occupancy, use or other permit from any local authority or official and without complying with the requirements of any such statute, charter, provisions, local ordinance, zoning requirement, or plumbing or building code or other requirement, provided such person, firm, or corporation secures a permit to use such building for such purpose from the State Department of Education. The State Department may, with the approval of the Chief Fire Marshal, grant such a permit if it is satisfied that such school can be operated in such building without endangering the health or safety of the children attending such school. Any such permit issued by the State Department of Education shall be effective for a period of one year only unless extended by the State Department of Education. Such extension shall be for not more than one additional year.

2. An emergency exists and this act is in force from its passage.

CHAPTER 81

AN ACT to amend and reenact § 22-219, as amended, of the Code of Virginia, relating to the attendance of children residing in the State in the public schools of a county, city, or town in which such children

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do not reside, so as to provide that the tuition charged for attendance shall not exceed the per capita cost of education, exclusive of capital outlay and debt service, except where the tuition charge is payable by the school board of the county, city or town of the pupil's residence; and to repeal §§ 22-194 and 22-196 of the Code, relating to tuition charges to children attending high schools.

[S 33]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 22-219, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 22-219. The school board of each county, city or town operating as a separate school district shall have the power to make regulations whereby persons other than those defined in § 22-218 who are residents of the State of Virginia may attend school in such county, city or town, and may charge tuition for the attendance of such persons in such schools, *provided, however, that the tuition charge for any such person shall not exceed the total per capita cost of education, exclusive of capital outlay and debt service, for high school or elementary pupils, as the case may be, of such county, city or town, except in cases where the tuition charge is payable by the school board of the county, city or town of the pupil's residence pursuant to a contract entered into between the school board of the two localities, in which case the tuition charge shall be that fixed by such contract.*

2. That §§ 22-194 and 22-196 of the Code are hereby repealed.

CHAPTER 82

An Act to amend and reenact § 29-184.2, as amended, of the Code of Virginia and to add to the Code of Virginia a new section numbered 29-184.4, the amended and new sections relating, respectively, to the enforcement of dog laws in certain counties by dog wardens and to the enactment and enforcement of local ordinances pertaining to dogs in certain counties.

[S 42]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 29-184.2, as amended, of the Code of Virginia be amended and reenacted and that the Code of Virginia be amended by adding a new section numbered 29-184.4, as follows:

§ 29-184.2. (a) Notwithstanding any other provision of law, except § 29-184.3, in any county, the enforcement of the dog laws *and local ordinances enacted pursuant to § 29-184.4* may, in the discretion of the governing body thereof, be vested in a dog warden and deputy dog wardens, and upon the appointment therein of a dog warden and deputy dog wardens the game warden shall have no jurisdiction as to the enforcement of the dog laws. In any such county the judge of the circuit court shall appoint an officer to be known as the dog warden, who shall have exclusive jurisdiction as to the enforcement of the dog laws in such county; the judge may also appoint one or more deputy dog wardens to assist the dog warden in dog inspec-

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tion activities and in dog law enforcement. Provided, however, that in any county having a population in excess of twenty-three thousand three hundred fifty but not in excess of twenty-three thousand three hundred seventy, the circuit court shall appoint the dog warden and any deputy recommended by the governing body of such county. Provided, however, that any county which has adopted the county manager form of organization and government provided by chapter 11 (§ 15-266 et seq.), Title 15, shall appoint such dog warden and deputy dog wardens in the same manner as are other employees as provided in § 15-314. Such deputy dog wardens shall have the powers and duties of a dog warden. The dog warden and deputy dog wardens shall have all the powers and duties of a game warden in the enforcement of the dog laws. The dog warden and deputy dog wardens shall be paid such compensation as the governing body of the county may prescribe.

(b) The appointments shall be made by the court or judge on or before the thirtieth day of June for one year commencing on the first day of July and expiring on the thirtieth day of June next succeeding.

(c) In such county the amount of the dog license tax, which in no event shall be more than five dollars per dog, shall be fixed by ordinance adopted by the governing body of such county, and thereafter the tax imposed under § 29-184 shall not apply therein. The funds collected for dog license taxes shall be paid into a special fund and may be disposed of as provided in this section and in §§ 29-206 and 29-209, except that the county treasurer shall not be required to remit any portion of such funds to the State Treasurer nor shall the governing body be required to supplement the salary of the game warden. The county shall pay the salaries and expenses of the dog warden and deputy dog wardens from such special fund. Any sum remaining shall be left to accumulate in said fund for a period of not less than three years, and not more than fifty per cent of such accumulated fund shall be transferred from said special fund to any other fund, except as herein provided, in any one fiscal year.

(c1) The Governor is hereby authorized to transfer at one time or from time to time from the unappropriated balance in the Game Protection Fund such sum as may be necessary and recommended by the Director of the Budget for the revision of the salary of the game warden in any county adopting the provisions of this section.

(d) All other provisions of chapter 9 (§ 29-183 et seq.) of this title shall apply mutatis mutandis to any such county and dog wardens and deputy dog wardens therein.

(e) The provisions of this section shall not apply to any county having a population of more than thirty-seven thousand but not more than thirty-nine thousand.

*

§ 29-184.4. The governing body of any county to which the provisions of §§ 29-184.2 and 29-184.3 are applicable may enact local ordinances corresponding in nature and scope, and not in conflict with, the provisions of this chapter, and may repeal, amend or modify such ordinances; provided, no governing body of a county may provide penalties for violating a provision of an ordinance adopted pursuant to this act which is greater than the penalty imposed for a similar offense under the provisions of this chapter.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 83

An Act to amend and reenact § 58-355, as amended, of the Code of Virginia, relating to taxes on machines operated on the coin-in-the-slot principle.

[S 47]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 58-355, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-355. Any person, firm or corporation having anywhere in this State a coin-operated machine or device of any description into which are inserted nickels or coins of larger denominations to dispose of articles of merchandise or for the purpose of operating devices that operate on the coin-in-the-slot principle, used for gain, except as a pay telephone, shall pay for every such coin-operated machine or device, as the case may be, a State license tax of twenty-five dollars per year, which license shall not be prorated or transferable; except that:

(1) For each coin-operated musical machine or musical device that operates on the coin-in-the-slot principle, there is hereby levied a State license tax of five dollars per year;

(2) For each such vending machine as is used solely for the sale of agricultural products, soft drinks or cigars there is hereby levied a State license tax of three dollars per year;

(3) For each such vending machine as is used solely for the sale of candy and operated on the premises of a moving picture or other theatre there is hereby levied a State license tax of five dollars per year;

(4) For each such candy vending machine as is operated on the premises of any person conducting any other lawful business there is hereby levied a State license tax of ten dollars per year;

(5) For each vending machine operated on premises for which a tobacco retailer's license has been obtained and used solely for the sale of cigarettes there is hereby levied a State license tax of three dollars per year;

(6) For each weighing machine or machine used solely for the purpose of selling shoe strings, chewing gum, peanuts, peanut candy or postage stamps there is hereby levied a State license tax of one dollar per year;

(7) For each miniature pool table in the operation of which nickels or coins of larger denominations are used, there is hereby levied a State license tax of ten dollars per year;

(8) For each automatic baggage or parcel checking machine or receptacle, which is used for the storage of baggage or parcels of any character, there is hereby levied a State license tax of fifteen cents per year for each receptacle that is operated on the coin-in-the-slot principle;

(9) For each amusement machine operated by the insertion of one cent there is hereby levied a State license tax of two dollars per year;

(10) For each vending machine operated by the insertion of one cent there is hereby levied a State license tax of one dollar per year;*

(11) For each vending machine as is used solely for the sale of peanuts, peanut candy and peanut butter sandwiches and cream sandwiches, and operated by the insertion of a coin or coins of any denomination, there is hereby levied a State license tax of three dollars per year;

(12) For each washing machine there is hereby levied a State license tax of two dollars per year;

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(13) For each drying machine there is hereby levied a State license tax of two dollars per year;

(14) For each combination machine that does both washing and drying there is hereby levied a State license tax of four dollars per year;

(15) For each ironing machine there is hereby levied a State license tax of two dollars per year; and

(16) For each vending machine located on the premises of a self-service laundry and used to vend soap or detergents, there is hereby levied a State license tax of two dollars per year.

This article shall not apply to coin-operated machines that are used solely for the purpose of selling individual sanitary drinking cups or sanitary drinking cups and natural water, or to machines vending sanitary napkins, * or for the delivery of newspapers.

No license tax shall be imposed by the State or any city or town on or on account of any candy vending machine under the ownership and supervision of any State commission or State agency.

2. An emergency exists and this act shall apply to the license year beginning January first, nineteen hundred and fifty-nine and to every license year thereafter until otherwise provided by law, except that as to washing machines in nineteen hundred and fifty-nine it shall apply to that part of the license year nineteen hundred and fifty-nine which remains after the effective date of this Act, and for that period the State license tax on each washing machine shall be two dollars.

CHAPTER 84

An Act to amend and reenact §§ 30-13 and 30-14 of the Code of Virginia, relating to duties of Clerk of House of Delegates and Keeper of the Rolls of the State.

[S 51]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-13 and 30-14 of the Code of Virginia be amended and reenacted as follows:

§ 30-13. In addition to such duties as may be prescribed by the rules of the House of Delegates, the Clerk thereof shall at the end of the session of the General Assembly prepare a well-arranged index to the journal of the House and the documents printed during the session by order of the House. He shall cause to be printed, with the acts *and joint resolutions proposing amendments to the Constitution:* * joint resolutions * *providing for studies for legislation* of each session of the General Assembly; tables showing the time for the commencement of the regular terms of the Supreme Court of Appeals and of each circuit, corporation and city court; the places at which separate polls have been established in each county; the names of the several magisterial districts in each county; and the names or numbers of the several wards, or precincts if there be no wards in each city; a list of the commissioners in other states appointed by the Governor; and a carefully prepared and well-arranged index of the acts and joint resolutions.

The Clerk of the House of Delegates shall cause to be published for the time prescribed by the Constitution all proposed amendments to the Constitution. Such publications shall be done as follows: He shall have printed one thousand copies for distribution from his office and a sufficient

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number additional of all such proposed amendments to enable him to forward to the clerk of the circuit court of each county and to the clerk of the circuit court of each city not having a corporation or hustings court, and to the clerk of one of the corporation or hustings courts of each city having such a court, five hundred copies of the same, except that five hundred copies of the same shall be forwarded to the clerk of the circuit court of the city of Williamsburg and James City county, and eight hundred copies of the same shall be forwarded to the clerk of the circuit court of Pittsylvania county and to the clerk of the hustings court of the city of Richmond, which forwarding he shall do not later than one month prior to the time for the commencement of the publication required by the Constitution. Every such clerk of court shall, upon the receipt of such copies, post ten of such copies at the front door of his courthouse, and shall deliver to the sheriff of his county or the sergeant of his city a sufficient number of such copies to enable such sheriff or sergeant to post ten such copies at each voting place in his county or city and in five other conspicuous places in his county or city, and such sheriff or sergeant shall do such posting. The remainder of such copies shall be exposed in the office of such clerk for free distribution among such citizens as may apply for copies. Every such clerk of court, and every such sheriff or sergeant, shall complete the posting hereby required not later than three months prior to the next ensuing general election of members of the House of Delegates and shall make return thereof to the Clerk of the House of Delegates upon the completion of such posting. The compliance by the Clerk of the House of Delegates with the foregoing provisions of this paragraph shall be conclusive evidence that such proposed amendment or amendments to the Constitution have been published as required by the Constitution. The Clerk of the House of Delegates shall also cause to be published monthly for three consecutive months in one daily newspaper published in the city of Richmond all proposed amendments to the Constitution, the first publication to be made at the time fixed by the Constitution for the commencement of the publication of all proposed amendments thereto. All costs, the payment of which is not hereinabove provided for, shall be certified by the Clerk of the House of Delegates to the Comptroller for payment. The Clerk of the House of Delegates shall make report of the action taken by him under this paragraph to the next succeeding General Assembly.

§ 30-14. The Clerk of the House of Delegates shall be the Keeper of the Rolls of the State. As such, he shall cause all of the acts of the General Assembly and joint resolutions proposing amendments to the Constitution to be enrolled on substantial paper, of uniform size, either by the use of pen and ink, typewriter, printing or lithographing, or by such other permanent and substantial method or methods as he may deem proper; and after they shall have been examined by the committees on enrolled bills, and signed by the President of the Senate and Speaker of the House of Delegates, he shall cause the same to be bound in durable style. He shall have the custody of the acts and resolutions of the General Assembly, and the records and papers of the House of Delegates; and, when required, shall furnish a copy of any *or any part of any* of them, *or of any section or sections of the Code in the form published pursuant to § 9-75 of the Code;* which copy, being certified by him shall be evidence for any purpose for which the original would be received, and with as much effect. *If an act or part of an act of the General Assembly has been codified and assigned a section number as a part of the Code of Virginia, by the Virginia Code Commission pursuant to § 9-75, he may also certify that fact.* He shall, as soon as practicable after every act is passed, prepare the same for publication, and furnish to the * *Director of the Department of Purchases and Supply* the manuscript of all acts of the General Assembly and joint reso-

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lutions proposing amendments to the Constitution * and * joint resolutions * *providing for studies for legislation,* or a copy thereof, properly arranged for being printed. And he shall, as soon as practicable after the adjournment of the General Assembly, furnish the index and the tables required by law, and shall superintend the publication of such acts, resolutions, tables and index, in connection with the * *Director of the Department of Purchases and Supply.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 85

An Act to amend the Code of Virginia by adding a section numbered 37-34.2:9 authorizing the State Hospital Board to dispose of certain surplus property to political subdivisions of this State and prescribing how same shall be done.

[S 53]

Approved April 28, 1959

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 37-34.2:9 as follows:

§ 37-34.2:9. Whenever the Board has declared property, or any portion thereof, located in Augusta and Amherst Counties, Virginia, surplus under § 37-34.2:5 and a political subdivision of the State files notice with the Board, within thirty days of such declaration, that such political subdivision desires to acquire such property, the Board may dispose of such property, or any portion thereof, to such political subdivision upon such terms as it deems proper, subject to approval by the Governor. In any such case advertisement of sale shall not be required. The deed shall be made and the proceeds deposited as provided in the case of other surplus property.

2. An emergency exists and this act is in force from its passage.

CHAPTER 86

An Act to amend and reenact § 46.1-276 of the Code of Virginia, relating to lights on parked vehicles.

[H 58]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-276 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-276. Whenever a vehicle is parked or stopped upon a highway, whether attended or unattended, during the period from a half hour after sunset to a half hour before sunrise there shall be displayed upon such vehicle one or more lamps projecting a white *or amber* light visible in clear weather from a distance of five hundred feet to the front of such vehicle and projecting a red light visible under like conditions from a

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distance of five hundred feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicle when parked in accordance with a local ordinance.

CHAPTER 87

An Act to amend and reenact § 54-500 of the Code of Virginia, relating to records to be kept by physicians, dentists, veterinarians and other authorized persons of narcotic drugs.

[H 81]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 54-500 of the Code of Virginia be amended and reenacted as follows:

§ 54-500. Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this section if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients; provided, that no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours: (a) Four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or any of its salts or (d) * a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

2. An emergency exists and this act is in force from its passage.

CHAPTER 88

An Act to amend and reenact § 54-445, as amended, of the Code of Virginia, relating to sale to, or dispensing by, doctors of medicine.

[H 82]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 54-445, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 54-445. No dangerous drug may be sold at wholesale except to registered pharmacies or to physicians who have a permit to dispense drugs and medicines in accordance with * § *54-434.1*, or, for purposes

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other than resale, to licensed practitioners lawfully practicing their profession and licensed by law to prescribe or administer dangerous drugs or medicine or to hospitals, sanitaria, departments of public health (State and local) or to any welfare agency either public or private where such purchasers buy drugs and medicines for the purposes of administration under the supervision of a licensed practitioner lawfully practicing his profession. Provided, that nothing in this article shall be construed to limit the dispensing of dangerous drugs or medicines in the course of their professional practice by practitioners, lawfully practicing their profession in this State, and licensed to prescribe or administer the same.

2. An emergency exists and this act is in force from its passage.

CHAPTER 89

An Act to amend and reenact § 54-504 of the Code of Virginia, relating to form, preservation and time of making of records of narcotic drugs.

[H 83]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 54-504 of the Code of Virginia be amended and reenacted as follows:

§ 54-504. The form of records shall be prescribed by the State Board of Pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs*; and any person selling, administering, dispensing or otherwise disposing of such drugs shall make such record at the time of each transaction in a bound registry book containing information prescribed by the Board.* Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 90

An Act to amend and reenact § 46.1-280, as amended, of the Code of Virginia, relating to brakes on trailers.

[H 84]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-280, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 46.1-280. (a) Every semitrailer or trailer or separate vehicle attached by a drawbar, chain or coupling to a towing vehicle other than a farm tractor or a vehicle not required to obtain an annual registration certificate for license plates under § 46.1-45 and having an actual gross weight of three thousand pounds or more, shall be equipped with brakes controlled or operated by the driver of the towing vehicle which shall conform to the specifications set forth in § 46.1-279 and shall be of a type approved by the Superintendent. *Provided, however, that farm trailers used exclusively for hauling raw agricultural produce from farm to farm or farm to packing shed and/or processing plant within the normal growing area of said packing shed or processing plant shall be exempt from the requirements of this section.*

(b) "Gross weight" for the purpose of this section includes the load upon such semitrailer, trailer or separate vehicle.

2. An emergency exists and this act is in force from its passage.

CHAPTER 91

An Act to amend and reenact § 46.1-343 of the Code of Virginia, relating to permits for excessive size and weight.

[H 86]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-343 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-343. (a) The State Highway Commission and local authorities of cities and towns in their respective jurisdictions may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle upon the highway of a size or weight exceeding the maximum specified in this title. Every such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting such permit.

(b) Provided, however, the State Highway Commission and local authorities of cities and towns, in their respective jurisdictions, upon application in writing made by the owner or operator of three axle vehicles used exclusively for the mixing of concrete in transit or other three axle trucks hauling road construction materials and having a gross weight not exceeding forty-three thousand and nine hundred pounds, a single axle weight not exceeding eighteen thousand pounds, and a tandem axle weight not exceeding thirty-two thousand pounds, shall issue to such owner or operator, without cost, a permit in writing authorizing the operation

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of such vehicles upon the highways. No such permit shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

(c) Provided further, the State Highway Commission and local authorities of cities and towns in their respective jurisdictions, upon application in writing, made by the owner or operator of two or three axle vehicles used exclusively for the hauling of coal from a mine or other place of production to a preparation plant, loading dock or railroad and having a gross weight not exceeding forty-three thousand nine hundred pounds, a single axle weight not exceeding twenty thousand pounds until * *June thirty, nineteen hundred sixty* and thereafter eighteen thousand pounds, and a tandem axle weight not exceeding thirty-six thousand pounds, until * *June thirty, nineteen hundred sixty* and thereafter thirty-two thousand pounds, shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of such vehicles upon the highways of this State; provided, however, that no such permit shall be valid for the operation of any such vehicle for a distance of more than twenty-five miles from such preparation plant, loading dock or railroad. However, no permit issued under this section providing for a single axle weight in excess of eighteen thousand pounds or a tandem axle weight in excess of thirty-two thousand pounds shall be issued to include travel on the Federal Interstate System of Highways.

(d) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any officer and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit.

2. An emergency exists and this act is in force from its passage.

CHAPTER 92

An Act to amend and reenact § 55-134.1 of the Code of Virginia, relating to acknowledgments taken before certain notaries public who were appointed but failed to qualify.

[H 106]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 55-134.1 of the Code of Virginia be amended and reenacted as follows:

§ 55-134.1. All certificates of acknowledgment to deeds and other writings taken and certified prior to * *April fifteen,* nineteen hundred * *fifty-nine,* by a person who was appointed as a notary public * by the Governor but who failed to qualify as provided by law shall be held, and the same are hereby declared valid and effective in all respects, if otherwise valid, and all such deeds and other writings which have been admitted to record in any clerk's office in the State upon such certificates shall be held to be duly and regularly recorded, if such recordation be otherwise valid according to law; provided, however, that nothing in this section shall be so construed as to affect any intervening vested rights.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 93

An Act to prescribe the conditions for the expenditure of certain public funds heretofore appropriated.

[S 17]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding the provisions of Item 474-B of Chapter 716 of the Acts of Assembly of 1956, and of Item 492 of Chapter 642 of the Acts of Assembly of 1958, the funds appropriated thereby may be expended for the purpose expressed therein without regard to any limitations imposed thereby, but shall be available for expenditure only to the extent that the same are matched by local funds.

CHAPTER 94

An Act to amend and reenact § 54-1, as amended, of the Code of Virginia, relating to copies of examinations filed by certain State agencies so as to exempt the Board of Medical Examiners from the requirement of such filing.

[S 49]

Approved April 29, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 54-1, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 54-1. Every State agency *except the Board of Medical Examiners* authorized at any time to conduct examinations of applicants for admission to practice or pursue any profession, vocation, trade, calling or art shall file a copy of each examination within a period of ten days after it is given with the Secretary of the Commonwealth where it shall be lodged and preserved for a period of at least one year as a public record accessible to any person desiring to examine it during usual business hours; provided, however, that if the same examination is also given outside of the State of Virginia, a copy of such examination need not be filed until ten days after the date on which it was last given anywhere. *A copy of the examinations given by the Board of Medical Examiners shall be filed with the Secretary of the Board of Medical Examiners within ten (10) days after the giving of the examination, which shall be accessible to any candidate who took the examination or his authorized representative.* After the expiration of one year from the time of the filing of each copy, the Secretary of the Commonwealth may withdraw and destroy it.

2. An emergency exists and this act is in force from its passage.

CHAPTER 95

An Act to amend the Code of Virginia by adding a section numbered 36-19.3, requiring a referendum to be held prior to the making of

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contracts for certain construction by housing authorities in certain cities.

[S 52]

Approved April 30, 1959

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 36-19.3, as follows:

§ 36-19.3. Notwithstanding the provisions of § 36-19, no authority heretofore or hereafter permitted to transact business and exercise powers as provided in § 36-4 shall, in any city containing a population in excess of twenty-five thousand but not in excess of thirty-five thousand, make any contract for the construction of any housing not authorized or approved by the governing body of the city on January 1, 1959, or acquire land or purchase material for the construction or installation of any sewerage, streets, sidewalks, lights, power, water or any other facilities for any housing not authorized or approved on such date, unless or until the construction of such housing shall have been approved by a majority of the qualified voters of the city voting in an election called by the governing body of the city for the purpose. The procedure for such election shall conform to general law. The provisions of this section shall not affect or impair the provisions of § 36-19.1 of the Code.

CHAPTER 96

An Act to amend and reenact § 3 of Chapter 642 of the Acts of Assembly of 1958, approved April 7, 1958, relating to the appropriation of the public revenue for the two years ending, respectively, on the thirtieth day of June, 1959, and the thirtieth day of June, 1960, as amended by Chapter 3 of the Acts of Assembly, Extra Session 1959, approved January 31, 1959, so as to appropriate monies from the general fund of the State Treasury to assist localities in providing, in accordance with law, scholarships to children attending nonsectarian private schools located in or outside and public schools located outside the locality in which such children reside; and to appropriate additional monies from the general fund of the State Treasury to the Department of Education for research, planning and testing; and to appropriate monies from the general fund of the State Treasury for the administration of the duties of the Placement Board of Appeals; and to repeal the appropriation made for the year ending on the thirtieth day of June, 1960, to further and encourage generally the education of the children of Virginia by providing for the payment of tuition grants; and to repeal a portion of the appropriation for the administration of the Pupil Placement Act.

[H 40]

Approved April 30, 1959

Be it enacted by the General Assembly of Virginia:

1. That § 3 of Chapter 642 of the Acts of Assembly of 1958, approved April 7, 1958, as amended by Chapter 3 of the Acts of Assembly, Extra Session 1959, approved January 31, 1959, be amended and reenacted as follows:

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BIENNIUM 1958-1960

§ 3. For Recurring Maintenance and Operation Items as herein specified.

LEGISLATIVE DEPARTMENT

GENERAL ASSEMBLY OF VIRGINIA

Item 1	First Year	Second Year
For legislating for the State, a sum sufficient, estimated at	$ 99,000	$ 401,660

Out of this appropriation shall be paid the salaries of members, clerks, assistant clerks, officers, pages and employees; the mileage of members, officers and employees, including salaries and mileage of members of legislative committees sitting during recess; and the incidental expenses of the General Assembly.

Out of this appropriation the following salaries shall be paid:

Clerk of the House of Delegates	$12,000
Index Clerk, Deputy and Secretary to the Clerk of House of Delegates	6,000
Proofreader, House of Delegates	4,000
Clerk of the Senate	10,000
Senate Index Clerk, not exceeding	6,000
Secretary to the Clerk of the Senate	6,000

It is further provided that out of this appropriation there is hereby appropriated for payment of expenses of the Lieutenant-Governor, $3,000 each year, to be paid in equal monthly installments of $250 each.

It is further provided that out of this appropriation there is hereby appropriated a sum not to exceed $3,500 for publishing sketches of the Lieutenant-Governors, Presidents pro tempore and Clerks of the Senate of Virginia from 1776 to 1956.

AUDITING COMMITTEE OF THE GENERAL ASSEMBLY

Item 2		
For auditing public accounts	$ 585	$ 585

DIVISION OF STATUTORY RESEARCH AND DRAFTING

Item 3		
For assistance in preparing legislation	$ 43,400	$ 59,600

Out of this appropriation the following salary shall be paid:

Director $12,500

VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Item 4		
For study and advice on legislative matters	$ 26,370	$ 27,570

VIRGINIA CODE COMMISSION

Item 5		
For carrying out the duties prescribed by §§ 9-66 through 9-68, inclusive, of the Code of Virginia, pertaining to the codification and printing of acts of the General Assembly in code form	$ 2,500	$ 17,400

VIRGINIA COMMISSION ON INTERSTATE COOPERATION

Item 6		
For promoting interstate cooperation	$ 10,375	$ 10,375

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COMMISSION ON VETERANS' AFFAIRS

Item 7	First Year	Second Year
For making investigations and recommendations concerning appropriate legislation for the benefit of Virginia war veterans and their dependents	$ 500	$ 500
Total for Legislative Department of the Government	$ 182,730	$ 517,690

JUDICIAL DEPARTMENT

SUPREME COURT OF APPEALS

Item 8

For adjudication of legal cases ..... $ 221,812 $ 225,312

Out of this appropriation the following salaries and wages shall be paid:

Chief Justice ..... $ 18,500

Associate Justices (6), at $17,500 each 105,000

It is further provided that out of this appropriation shall be paid the traveling and other expenses of the Justices of the Supreme Court of Appeals, one thousand five hundred dollars for each Justice, which sum shall be in lieu of mileage.

Item 9

For printing records of litigation, a sum sufficient, estimated at ..... $ 30,000 $ 30,000

Item 10

For maintenance of law library ..... $ 28,092 $ 28,092

Item 11

For office of executive secretary to the Supreme Court of Appeals, the salaries of such employees to be fixed by the Supreme Court; provided that the salary of such executive secretary shall not exceed the amount allowed by law to a judge of a trial court of record ..... $ 20,784 $ 21,072

Total for the Supreme Court of Appeals ..... $ 300,688 $ 304,476

RETIREMENT OF JUSTICES AND JUDGES

Item 12

For retirement pay of Justices of the Supreme Court of Appeals, and Judges of Circuit, Corporation and Hustings, and City Courts, and expenses of retired Justices and Judges when recalled to active duty, in accordance with law, a sum sufficient, estimated at ..... $ 44,000 $ 44,000

CIRCUIT COURTS

Item 13

For adjudication of legal cases ..... $ 606,116 $ 612,116

Out of this appropriation shall be paid the following salaries only:

Judges (46), at $12,000 each $552,000

Additional Judge of the 32nd Circuit ..... $ 6,000 the first year and $12,000 the second year.

Additional salaries ..... $ 1,000

Compensation to sheriffs, sergeants and their deputies for attendance upon the circuit courts, as authorized by § 14-85 of the Code of Virginia ..... $ 2,500

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CORPORATION AND HUSTINGS COURTS

Item 14	First Year	Second Year
For adjudication of legal cases	$ 194,120	$ 194,120
Out of this appropriation shall be paid the following salaries only:		
Judges (16), at $12,000 each $192,000		
Judge of the Corporation Court, city of Winchester 1,120		
Clerk at Richmond 1,000		

CITY COURTS

Item 15		
For adjudication of legal cases	$ 91,500	$ 91,500
Out of this appropriation shall be paid the following salaries and wages only:		
Judges (6), at $12,000 each $72,000		
Additional Judge of the Law and Chancery Court, City of Norfolk 12,000		
Compensation to sheriffs, sergeants and their deputies, for attendance upon city courts, as authorized by § 14-85 of the Code of Virginia 7,500		

VIRGINIA STATE BAR

Item 16

For administration of the integrated bar act, to be paid only out of revenues collected and paid into the State treasury in accordance with the provisions of said act and not out of the general fund of the State treasury ..... $37,400 for the first year and $37,900 the second year.

JUDICIAL COUNCIL

Item 17		
For the expenses of the Judicial Council authorized by §§ 17-222 to 17-227, inclusive, of the Code of Virginia, and for the expenses of the Judicial Conference	$ 5,550	$ 5,550

DEPARTMENT OF LAW

Attorney General

Item 18		
For providing legal services for the State	$ 182,600	$ 200,600
Out of this appropriation the following salary shall be paid:		
Attorney General $17,000		
It is provided that all attorneys authorized by this act to be employed by any department or agency, and all attorneys compensated out of any monies appropriated by this session of the General Assembly, shall be appointed by the Attorney General and be in all respects subject to the provisions of §§ 2-85 to 2-93, inclusive, §§ 2-94 to 2-97, inclusive, and § 14-14 of the Code of Virginia.		
Item 19		
For legal assistance to localities, or in any case or matter where the Attorney General is directed by law or requested by the Governor to intervene, prosecute or defend, a sum sufficient, estimated at	$ 55,000	$ 45,000
Total for the Attorney General	$ 237,600	$ 245,600

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Division of Motion Picture Censorship

Item 20	First Year	Second Year
For examining and licensing motion picture films publicly exhibited in Virginia	$ 57,985	$ 58,875

Division of War Veterans' Claims

Item 21

For preparation and prosecution of claims against the United States Veterans' Administration and other agencies on behalf of war veterans and their dependents and the surviving dependents of deceased war veterans, in accordance with the provisions of § 2-93.1 of the Code of Virginia	$ 233,200	$ 234,200

Commissioners for the Promotion of Uniformity of Legislation in the United States

Item 22

For promoting uniformity of legislation	$ 1,250	$ 1,250
Total for the Department of Law	$ 530,035	$ 539,925
Total for the Judicial Department	$ 1,772,009	$ 1,791,687

EXECUTIVE DEPARTMENT

GOVERNOR

Item 23

For executive control of the State	$ 128,327	$ 129,713
Out of this appropriation the following salaries shall be paid:		
Governor $20,000		
Secretary of the Commonwealth and ex officio secretary to the Governor 10,000		

Item 24

For a discretionary fund, to be expended by the Governor for such objects or purposes, including reorganization studies of State agencies, as the Governor, in his discretion, may deem proper to meet any contingencies or conditions which may arise from time to time	$ 380,000	$ 130,000
It is provided that out of this appropriation the Governor may expend not exceeding $200,000 for drought relief with Federal Aid.		
It is further provided that the Governor may, in his discretion, transfer to the Virginia State Ports Authority from this appropriation such sums not exceeding $50,000 each year of the current biennium as he deems necessary to aid the Authority in the development of firm proposals for the acquisition and construction of port terminals and facilities by the Authority for presentation to the General Assembly.		

Item 25

To be expended by the Governor pursuant to the provisions of § 15-891.3 of the Code of Virginia for regional planning commissions heretofore established	$ 20,000	$ 20,000

Item 26

For payment of Virginia's quota of the expenses of administrative services and operations of the Board of Control for Southern Regional Education	$ 33,000	$ 33,000

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Item 27	First Year	Second Year
For operation and maintenance of the Governor's Mansion..	$ 30,595	$ 27,170
Item 28		
For carrying out the purposes of, and subject to the conditions stated in, Chapter 22, Acts of Assembly of 1950, which authorizes the Governor to take certain steps in event of a coal production emergency, there is hereby appropriated from the general fund of the State treasury a sum sufficient.		
Total for the Governor.....	$ 591,922	$ 339,883

State Board of Elections

Item 29		
For supervising and coordinating the conduct of elections..	$ 48,150	$ 39,050
Out of this appropriation shall be paid the following salary:		
Secretary $9,500		

STATE AND LOCAL DEFENSE

Item 30		
For promotion and coordination of State and local civil defense activities, a sum sufficient estimated at.....	$ 87,300	$ 88,050
It is hereby provided that this appropriation shall be expended on warrants of the Comptroller, issued upon vouchers signed by the Governor, or by such other person or persons as may be designated by him for the purpose.		

DIVISION OF THE BUDGET

Item 31		
For preparation and administration of the executive budget	$ 48,500	$ 83,500
Out of this appropriation the following salary shall be paid:		
Director $13,500		
Item 32		
For institutional engineering	$ 194,795	$ 198,460
Item 33		
For records management	$ 49,375	$ 49,370
It is provided that the special revenues collected for records management services shall be paid into the general fund of the State treasury.		
Item 34		
For maintenance and operation of grounds and buildings..	$ 766,015	$ 772,265
It is hereby provided that no part of this appropriation for maintenance and operation of grounds and buildings shall be used to furnish floor coverings, electric fans or other office equipment to any State officer, department, board, institution or other State agency.		
Item 35		
For operation of a central telephone system, to be paid solely from the pro rata share of the costs for operating such system charged to the State departments and agencies in Richmond served by the system, a sum sufficient.		
Total for the Division of the Budget.....	$ 1,058,685	$ 1,103,595

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DIVISION OF PERSONNEL

Item 36	First Year	Second Year
For administration of the Virginia Personnel Act.....	$ 110,440	$ 113,740

Out of this appropriation the following salary shall be paid:

Director $11,500

Item 37

For administration of the Merit System Council, to be paid only out of funds to be transferred to the Merit System Council by order of the Governor from the appropriations herein made to the Unemployment Compensation Commission, the Department of Welfare and Institutions, the State Board of Health, the State Hospital Board, and the Virginia Commission for the Visually Handicapped .....$37,690 the first year, and $38,450 the second year.

The Governor is hereby authorized to transfer to the Merit System Council from the respective appropriations herein made to the Unemployment Compensation Commission, the Department of Welfare and Institutions, the State Board of Health, the State Hospital Board, and the Virginia Commission for the Visually Handicapped, a sum equal to the value of the services rendered by the Merit System Council for the respective agencies.

It is hereby provided that this appropriation shall be expended on warrants of the Comptroller, issued upon vouchers signed by the Director of the Division of Personnel or by such other person or persons as may be designated by the Governor for that purpose.

COMMISSION ON CONSTITUTIONAL GOVERNMENT

Item 37-A		
For the development and promulgation of information concerning the dual system of government, Federal and State, established under the Constitution of the United States and those of the several states, and for such related duties as may be prescribed by law.....	$ 50,000	$ *150,000

VIRGINIA SUPPLEMENTAL RETIREMENT SYSTEM

As used in this Act, the term "Social Security" has reference to the Federal Insurance Contributions Act with respect to contributions and to the Federal Old-Age and Survivors Insurance System with respect to employee benefits.

Item 38		
For expenses of administration of the Board of Trustees of the Virginia Supplemental Retirement System.....	$ 99,025	$ 98,975

Item 39		
For the State employer's Social Security payment, on behalf of State employees excepting those paid from special funds, to the Contribution Fund, pursuant to Chapter 3.1, Title 51, Code of Virginia, a sum sufficient, estimated at	$ 1,320,210	$ 1,484,940

Item 40		
For reimbursement to each local school board of the actual employer's Social Security payments made by it, on behalf of teachers, to the Contribution Fund pursuant to Chapter 3.1, Title 51, Code of Virginia, a sum sufficient, estimated at.....	$ 2,787,075	$ 3,282,320

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Item 41	First Year	Second Year
For reimbursement to each political subdivision the pro rata share of the actual employer's Social Security payments made by it, on behalf of local special employees, to the Contribution Fund, pursuant to Chapter 3.1, Title 51, Code of Virginia; such pro rata share shall bear the same relationship to the total employer's payment for such special employees as the State's share of the special employee salaries, or the State's share of any excess fees from the special employee's office, bears or would bear to the total of such salaries or excess fees, respectively, a sum sufficient, estimated at	$ 114,615	$ 128,370

Item 42

In the event any political subdivision required pursuant to Chapter 3.1, Title 51, Code of Virginia, and by any agreement pursuant to the cited act, to make payments to the Contribution Fund, fails to make such payments as are duly prescribed, either from its local employees or on behalf of its employer's contribution, the Board of Trustees of the Virginia Supplemental Retirement System shall inform the Comptroller of the delinquent amount and political subdivision. The Comptroller shall forthwith transfer such amount to the Contribution Fund from any nonearmarked monies otherwise distributable to such subdivision by any department or agency of the State; provided that if the Comptroller reports to the Board of Trustees that, by law, no such amounts are distributable to a specified political subdivision, the Board shall require such subdivision to post bond or securities in an amount sufficient to protect the State against loss from failure by such subdivision to pay any amounts required under the act providing Social Security coverage.

Item 43		
To provide for the payment of increased retirement compensation to certain retired State employees and beneficiaries thereof, in accordance with the provisions of §§ 51-111.69 and 51-111.70, Code of Virginia, there is hereby appropriated out of the general fund of the treasury to Trust Fund B, established by § 51-111.68, Code of Virginia	$ 18,125	$ 17,645
Item 44		
To provide for the payment of increased retirement compensation to certain retired teachers and beneficiaries thereof, in accordance with the provisions of §§ 51-111.69 and 51-111.70, Code of Virginia, there is hereby appropriated out of the general fund of the treasury to Trust Fund B, established by § 51-111.68, Code of Virginia	$ 334,525	$ 327,215
Item 45		
For the State contribution, on behalf of State employees excepting those paid from special funds, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia	$ 1,443,550	$ 1,587,925
Item 46		
For the State contribution, on behalf of teachers, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia	$ 4,418,885	$ 5,007,270

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	First Year	Second Year
Item 47		
For the State contribution, on behalf of teachers, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia, to be paid from the principal of the literary fund in excess of $10,000,000, the sum of.....$1,465,000 each year.		
Item 48		
On the first day of July in each year of the current biennium, the Comptroller shall transfer, from each special fund in the State treasury out of which any State employees are paid, to the retirement allowance account provided in Chapter 3.2, Title 51, Code of Virginia, and to the Contribution Fund as provided in Chapter 3.1, Title 51, Code of Virginia, and to the retirement allowance account as provided for State Police Officers by Chapter 5, Title 51, Code of Virginia, such amount as shall be estimated to have accrued and to accrue on account of salaries and wages for the quarter preceding and the three quarters following. At the close of each fiscal year the Comptroller shall adjust such transfers, if necessary, for each special fund in accord with actual accruals for retirement and Social Security purposes, during the four quarters concerned. The estimate of accruals and the subsequent report of actual accruals shall be supplied by the Board of Trustees of the Virginia Supplemental Retirement System to the Comptroller and shall be used by him in making the transfers required by this item.		
Item 49		
For payment to the Secretary of the Treasury of the United States to the credit of such account as may be designated in accordance with the agreement entered into under Chapter 3.1, Title 51, Code of Virginia, for the purposes stated in the cited act, and in such amounts as may be specified pursuant to the cited agreement, there is hereby appropriated from the Contribution Fund established by the cited act, a sum sufficient.		
Total for Virginia Supplemental Retirement System	$10,536,010	$11,934,660
ART COMMISSION		
Item 50		
For appraising works of art and structures	$ 1,000	$ 1,000
AUDITOR OF PUBLIC ACCOUNTS		
Item 51		
For auditing the accounts of the State and local government units	$ 502,800	$ 508,850
Out of this appropriation the following salary shall be paid:		
Auditor of Public Accounts.....$11,000 the first year, and $12,000 the second year.		
Effective March 1, 1960, the annual salary of the Auditor of Public Accounts shall be $12,500.		
The appropriation in this item of a specific amount for the examination of the accounts of local governmental units shall not be construed as prohibiting the examination or audit, by the Auditor of Public Accounts, of the books or records of any county, city or		

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	First Year	Second Year
other political subdivision, or any officer or agency thereof, of this State, the cost of which audit or examination, is required by existing laws to be borne by the said county, city or other political subdivision.		

STATE COMMISSION ON LOCAL DEBT

Item 52		
For aiding localities in the flotation of new bonded debt....$	11,190	$ 11,190

DEPARTMENT OF THE TREASURY

Item 53		
For the custody and disbursement of State money.....$	123,355	$ 127,345
Out of this appropriation the following salary shall be paid:		
State Treasurer $12,500		
It is provided that out of this appropriation shall be paid the premiums on the official bonds of the State Treasurer and employees of the Department of the Treasury, and the premiums on insurance policies on vault in the Department of the Treasury and on messenger insurance policy.		

TREASURY BOARD

Item 54		
For payment of interest on the State debt.....$	350,121	$ 350,121
Item 55		
For providing sinking fund for redemption of Riddleberger bonds, Century bonds and general fund bonded indebtedness .....$	514,879	$ 514,879
Total for Treasury Board.....$	865,000	$ 865,000

DEPARTMENT OF ACCOUNTS

Item 56		
For auditing and recording the financial transactions of the State .....$	348,500	$ 353,500
Out of this appropriation the following salary shall be paid:		
Comptroller $12,500		
Out of this appropriation shall be paid the costs of the official bonds of the Comptroller; and the costs of the surety bonds of the employees in the Department of Accounts, in accordance with the provisions of §§ 2-7 and 2-8 of the Code of Virginia.		
Item 57		
For collecting old claims, as authorized by § 2-270 of the Code of Virginia, and for adjustment of State litigation, a sum sufficient, estimated at.....$	2,500	$ 2,500
Out of this appropriation shall be paid the costs of civil prosecution in civil cases, expenses and commissions in collecting old debts, etc., in accordance with § 8-780 of the Code of Virginia.		
Item 58		
For support of lunatics in jails and in charge of private persons, a sum sufficient, estimated at.....$	7,000	$ 7,000
Item 59		
For payment of pensions, funeral expenses, relief of Confederate women and administrative expenses related thereto .....$	350,000	$ 344,000

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	First Year	Second Year

Out of this appropriation each pensioner in the several classes now on the pension roster, or hereafter placed on the pension roster, under the regular pension act (as continued in effect by § 51-1 of the Code of Virginia) approved March 26, 1928, Chapter 465, as amended March 24, 1930, and March 30, 1934, and subsequent acts appropriating the public revenue, shall be paid as follows: to Confederate veterans, $1,200 a year; to each widow of a Confederate soldier, sailor or marine, $600 a year; and for the funeral expenses of each deceased pensioner, to be paid to the personal representative of such deceased pensioner or, without qualification of a personal representative, to the undertaker, upon submission to the Comptroller of certificates and affidavits required by law, $100; provided, however, that the said allowance for the funeral expenses of each Confederate veteran who was on the pension roster at the time of his death shall be $1,000; provided, further, that under the provisions of this act any person who actually accompanied a soldier in the service and remained faithful and loyal as the body servant of such soldier, or who served as cook, hostler or teamster, or who worked on breastworks under any command of the army and thereby rendered service to the Confederacy, shall be entitled to receive an annual pension of $240, proof of service to be prescribed by the Comptroller; provided that to each widow of a Confederate soldier as above set out who is now or who may become an inmate of an institution receiving support from the State and who was married prior to October 1, 1880, and has not remarried, shall be paid the sum of $25.00 per month; and to each such widow who was married on or after October 1, 1880, and prior to January 1, 1921, and who has not remarried; and to each such widow who married on or after January 1, 1921, who is over 75 years of age and who has not remarried, shall be paid the sum of $20.00 per month.

Any unexpended portion of this appropriation shall revert to the general fund of the State treasury, and no part thereof shall be prorated among pensioners.

It is further provided that out of the appropriation for public printing, the Director of the Department of Purchases and Supply shall supply all forms and have done and pay for all printing, binding, ruling, etc., required by the Comptroller in pension matters and in connection with the payment of pensions. The Comptroller shall pay monthly at such dates as he may prescribe the pensions authorized by this act.

It is further provided that out of this appropriation of $350,000 for the first year and $344,000 for the second year, there shall be expended for relief of needy Confederate women of Virginia, including daughters of Confederate soldiers who are now widows, born not later than December 31, 1889, who are not upon the State pension roster, in accordance with the provisions of the act approved March 10, 1914 (Acts of Assembly, 1914, Chapter 56, page 81); provided that each such needy Confederate woman shall receive $90.00 per year, not exceeding $145,000 each year.

It is further provided that out of this appropriation, there shall be expended for care of needy Con-

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	First Year	Second Year
federate women who are inmates of the Home for Needy Confederate Women at Richmond, in accordance with the provisions of the act approved March 4, 1914 (Acts of Assembly, 1914, Chapter 40, page 60) ..... $71,000 each year.		

It is provided, however, that no part of this appropriation shall be available for expenditure until satisfactory evidence of compliance with the following conditions has been presented the Auditor of Public Accounts:

(1) Copies of all current and future applications for admission to the Home have been or will be filed with the Auditor of Public Accounts. (2) Proof that admissions to the Home are being made as far as practicable on the basis of first come first served, provided that where the governing board of the Home deviates from the policy of first come first served the reasons therefor shall be filed with the Auditor of Public Accounts, it being understood that such board shall have the right to deviate from such policy in cases which are considered by the board to be of dire necessity or distress. (3) Upon the admission of any guest to the Home the Auditor of Public Accounts shall be informed thereof and also as to the length of time which the application has been pending; and whether it has been given priority over other applications. (4) Copies of the rules of admission have been filed with the Auditor of Public Accounts. (5) No part of this appropriation shall be available directly or indirectly for the care or maintenance of any person who is not a member of the class for which the Home was originally established.

The governing body of the Home may refuse to admit anyone sick of an incurable disease or who is bedridden or who is an addict to narcotics or to the use of intoxicating liquors or who is mentally affected to the extent of materially affecting the comfort of the other inmates.

Item 60

For assessing property for taxation and collecting and distributing records of assessments, a sum sufficient, estimated as	$ 1,669,750	$ 1,669,750

Out of this appropriation shall be paid compensation and expenses of office of city and county commissioners of the revenue, as authorized by § 14-77 of the Code of Virginia, after certification by the chairman of the Compensation Board to the State Comptroller of the amounts of the salaries and expense allowances of such officers fixed and ascertained by said board, and commissions to examiners of records, the postal and express charges on land and property, books, etc.

Item 61

For collecting State taxes, a sum sufficient, estimated at....	$ 1,751,000	$ 1,751,000

Out of this appropriation shall be paid to county and city treasurers the compensation and expenses of office authorized by § 14-77 of the Code of Virginia, but only after certification by the chairman of the Compensation Board to the State Comptroller of the amounts of the salaries, if any, and expense allow-

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	First Year	Second Year
ances of such officers, fixed and ascertained by said board; and to county and city clerks of courts, the commissions to which they are entitled by law for the collection of State taxes.		
Item 62		
For premiums on official bonds of county and city treasurers, as required by § 15-480 of the Code of Virginia, a sum sufficient, estimated at	$ 20,000	$ 10,000
Item 63		
For reissue of old warrants, previously charged off, a sum sufficient, estimated at	$ 20,000	$ 20,000
Item 64		
For per diem and expenses of presidential electors		$ 500
Item 65		
For criminal charges, a sum sufficient, estimated at	$ 5,600,000	$ 5,600,000

Out of this appropriation shall be paid the costs incident to the arrest and prosecution of persons charged with the violation of State laws, including salaries of attorneys for the Commonwealth, as provided by § 14-77 of the Code of Virginia, expenses of juries, witnesses, etc., but where a witness attends in two or more cases on the same day, only one fee shall be allowed such witness; the transportation costs of children committed to the State Board of Welfare and Institutions, and compensation at the rate of nine dollars a day to each agent of the State Board of Welfare and Institutions for each day such agent is engaged in transporting children committed to the Board to homes, institutions, training schools or other locations; the necessary traveling expenses incurred by these agents in carrying out their duties as agents of the Board; and the transportation cost of the State Prison Farm for Defective Misdemeanants, as provided by law, cost of maintenance in local jails of persons charged with violation of State laws, including food, clothing, medicine, medical attention, guarding, etc.; provided, however, that all jail physicians be paid at the rate provided by law, but not more than five hundred dollars per calendar year shall be paid the jail physician or physicians for any city or county, the population of which is less than 100,000, and not more than one thousand dollars per calendar year shall be paid the jail physician or physicians of any city or county, the population of which is 100,000 or over, and coroners' fees, etc., said compensation for jail physician to be paid at the end of the calendar year; provided, however, that in case of death or resignation his compensation shall be prorated on the basis of time of service bears to the full calendar year. Provided, no deduction or cut shall be made in reimbursing any city sergeant or sheriff the actual cost of supplies purchased by him under authority of law, and provided, further, that no salaries, fees or expenses shall be paid to any officers out of this appropriation in cases where the Compensation Board is required to fix and ascertain same or any part thereof, until after certification by the chairman of the Compensation Board to the State Comptroller of the amounts of the salaries, if any, and expense allowances of such officers, fixed and ascertained by said board.

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	First Year	Second Year

Out of this appropriation shall be paid the State's share of the salaries and expenses of sheriffs and sergeants and their deputies in accordance with law.

It is further provided that out of this appropriation shall be paid the expenses necessarily incurred on official business by judges of circuit, city, and corporation and hustings courts, for postage, stationery, and clerk hire, not exceeding $300 a year for each judge.

Out of this appropriation shall be paid not exceeding $190,000 the first year and $200,000 the second year of the biennium for reimbursing counties and cities under the provisions of § 16.1-150 of the Code of Virginia; provided that no part of this appropriation shall be paid to any county or city which expends in any year following the fiscal year ending June 30, 1956, less than it spent in such fiscal year for the purposes for which reimbursement is provided and authorized.

Out of this appropriation shall be paid the State's share of expenditures made by a county for secretarial and stenographic assistance to probation officers as provided for by § 16.1-206.1 of the Code of Virginia.

Out of this appropriation shall be paid the State's share of the cost of construction, maintenance and operation of detention homes charged on counties and cities and the cost of maintenance of children in other homes as provided for by § 16.1-201 and § 16.1-202 of the Code of Virginia.

Out of this appropriation shall be paid the actual expenses of the committee of circuit court judges, as provided by § 14-50 of the Code of Virginia.

It is further provided that there is hereby imposed on the Auditor of Public Accounts the additional duty of acting as secretary to said committee of Judges fixing salaries of trial justices and trial justice clerks. As additional compensation for performing said additional duties the Auditor of Public Accounts shall be paid annually out of this appropriation the sum of one thousand five hundred dollars the first year and one thousand dollars the second year.

It is provided, however, that no part of this appropriation shall be used for the payment of criminal charges incident to prisoners employed on the State Convict Road Force or at the State Industrial Farm for Women, or at the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants.

Item 66

For apportionment to counties which have withdrawn from the provisions of Article 4, as amended, of Chapter 1 of Title 33 of the Code of Virginia, of the proceeds of the motor vehicle fuel tax to which such counties are entitled by law, a sum sufficient.

Item 67

For payment to counties and cities of their distributive share of the proceeds of the tax levied upon certain alcoholic beverages by § 4-24 of the Code of Virginia, a sum sufficient.

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Item 68	First Year	Second Year
There is hereby appropriated to the cities, incorporated towns, and counties of the State two-thirds of the net profits derived under the provisions of § 4-22 of the Code of Virginia, in excess of seven hundred fifty thousand dollars, each city, incorporated town, and county to receive an amount apportioned on the basis of their respective populations according to the last preceding United States census. It is intended that this item shall provide for the payment to cities, incorporated towns, and counties of only so much of the amounts they would normally receive under the provision of § 4-22 of the Code of Virginia, as is embraced in the distribution of two-thirds of the said net profits, in excess of seven hundred fifty thousand dollars, but that, by reason of other appropriations made out of the general fund of the treasury for the benefit of said cities, incorporated towns, and counties, there shall be no distribution of any of said net profits except two-thirds thereof, as provided in § 4-22 of the Code of Virginia. In order to be able to ascertain and determine properly the actual amount of said profits the Comptroller may, from time to time, credit on his books to the said board the value of merchandise on hand in the warehouses and stores of the board at the actual cost thereof to the said board.		
Total for Department of Accounts	$ 9,768,750	$ 9,758,250

DEPARTMENT OF PURCHASES AND SUPPLY

Item 69		
For purchasing commodities and supervising public printing for the State	$ 260,600	$ 323,600
Out of this appropriation the following salary shall be paid:		
Director, not exceeding $12,500		
Out of this appropriation shall be paid only the cost of such public printing required for the work of departments, institutions and agencies of the State government as is authorized by law to be paid out of the public printing fund, including the cost of printing and binding the Virginia Reports $30,250 the first year and $115,500 the second year.		
It is hereby provided that no part of this appropriation for the Department of Purchases and Supply shall be expended in furnishing stationery or other office supplies to any State officer, department, board, institution or other State agency.		

Compensation Board

Item 70		
For regulating compensation of local officers, in accordance with law	$ 49,125	$ 42,725
Out of this appropriation the following salary may be paid:		
Chairman, not exceeding $5,000		
It is provided, however, that for such time, if any, as the Chairman of the Compensation Board receives additional pay for other services rendered the State, his salary as such Chairman shall not exceed $3,505.		

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DEPARTMENT OF TAXATION

Item 71	First Year	Second Year
For administration of the tax laws, the Virginia Unfair Sales Act, and aiding in general assessment or reassessment of real estate	$ 1,165,905	$ 1,200,005
Out of this appropriation shall be paid the following salary:		
State Tax Commissioner	$17,000	

DIVISION OF MOTOR VEHICLES

Item 72

For administration of motor vehicle license, registration and fuel tax laws.....$1,610,347
the first year, and $1,652,019 the second year.

Out of this appropriation the following salary shall be paid:

Commissioner $12,500

Item 73

For furnishing localities with lists of all registered automotive equipment within their respective jurisdictions $23,685
the first year and $24,185 the second year.

Item 74

For refund of taxes on motor vehicle fuels in accordance with law, a sum sufficient.

Item 75

For licensing operators of motor vehicles.....$406,641
the first year, and $420,501 the second year.

Item 76

For administering motor vehicle safety responsibility act $703,635
the first year, and $776,921 the second year.

Item 77

For receiving applications for the registration of titles to motor vehicles and for issuance of licenses in accordance with law, at branch offices, a sum sufficient, estimated at $527,010
the first year, and $534,113 the second year.

Item 78

For maintenance and operation of building occupied by Division of Motor Vehicles.....$95,327
the first year, and $100,398 the second year.

Item 79

For regulating the distribution and sales of motor vehicles $72,925
the first year, and $73,325 the second year.

Item 80

For administration of the special fuels tax act.....$50,825
the first year, and $52,450 the second year.

Item 81

For examining applicants for operators' and chauffeurs' licenses $355,249
the first year, and $369,346 the second year.

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Item 82 First Year Second Year

All appropriations herein made to the Division of Motor Vehicles shall be paid only out of revenues collected and paid into the State treasury by the Division of Motor Vehicles and credited to the State highway maintenance and construction fund, and none of the appropriations made to the said division shall be paid out of the general fund of the State treasury, provided further, however, excepting Item 74 that no expenditures out of these appropriations shall be paid out of the revenue derived from the taxes levied under §§ 58-628, 58-711, and 58-744 of the Code of Virginia, as amended.

Item 83

All revenue received by the Division of Motor Vehicles for any purpose whatsoever or in accordance with any law or regulation administered by said division shall be paid directly and promptly into the State treasury to the credit of the State highway maintenance and construction fund. Provided, however, that this item shall not apply to any money or revenue collected for the account of the Uninsured Motorist Fund.

Total for the Division of Motor Vehicles, from special funds.....$3,845,644 the first year, and $4,003,258 the second year.

DEPARTMENT OF STATE POLICE

Item 84

For State police patrol.....$5,676,400 the first year, and $5,940,700 the second year.

Out of this appropriation the following salary shall be paid:

Superintendent of State Police.....$12,500

It is further provided that out of this appropriation there shall be paid the cost of the required valuation report by the actuary and other necessary administrative expense required for the retirement of State Police officers, not to exceed in either year of the biennium the sum of $3,000.

Item 85

For promoting highway safety.....$277,224 the first year, and $227,298 the second year.

Item 86

For operation of State Police Radio System.....$530,216 the first year, and $546,136 the second year.

Item 87

For operation and maintenance of headquarters buildings and grounds .....$106,600 the first year, and $104,700 the second year.

Item 88

For operation of State Police Dining Room.....$33,660 the first year, and $36,250 the second year.

Item 89

In the event the Superintendent of State Police is requested, as provided by law, to police a turnpike

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	First Year	Second Year

project the Superintendent is authorized to expend such additional amounts from the State highway maintenance and construction fund for such purpose as the turnpike authority making the request shall agree to reimburse and the Governor shall approve.

Item 90

All appropriations herein made to the Department of State Police shall be paid only out of revenues collected and paid into the State treasury by the Division of Motor Vehicles or by the Department of State Police and credited to the State highway maintenance and construction fund, and none of the appropriations made to the said division shall be paid out of the general fund of the State treasury, provided further, however, that no expenditures out of this appropriation shall be paid out of the revenue derived from the taxes levied under §§ 58-628, 58-711, and 58-744 of the Code of Virginia as amended.

Item 91

All revenue received by the Department of State Police for any purpose whatsoever or in accordance with any law or regulation administered by said department shall be paid directly and promptly into the State treasury to the credit of the State highway maintenance and construction fund.

Total for the Department of State Police from special funds .....$6,624,100 the first year, and $6,855,084 the second year.

DEPARTMENT OF MILITARY AFFAIRS

Item 92

For providing military protection for the State, to be expended in accordance with § 44-14 of the Code of Virginia .....$ 297,970 $ 299,000

Out of this appropriation the following salary shall be paid:

Adjutant General $11,000

Item 93

For the military contingent fund, out of which to pay the military forces of the Commonwealth when aiding the civil authorities, as provided by § 44-82 of the Code of Virginia, a sum sufficient.

In the event units of the Virginia National Guard shall be in Federal service, the sum allocated herein for their support shall not be used for any different purpose, except, with the prior written approval of the Governor, to provide for the Virginia State Guard.

DEPARTMENT OF CORPORATIONS

State Corporation Commission

Item 94

For expenses of administration of the State Corporation Commission and expenses of retired Commissioners recalled to active duty, in accordance with law.....$ 169,800 $ 167,800

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	First Year	Second Year
Out of this appropriation the following salaries shall be paid: Chairman, State Corporation Commission....$16,500 Other members of the State Corporation Commission (2), at $16,000 each.....$32,000		
Item 95		
For assessment and taxation of public service corporations	$ 35,325	$ 35,535
Item 96		
For rate regulation	$ 19,135	$ 19,385
Item 97		
For providing legal services for the State	$ 21,910	$ 22,410
Item 98		
For regulating sale of securities, in accordance with the provisions of §§ 13.1-501 to 13.1-527 (Chapter 5 of Title 13.1 of the Code of Virginia)	$ 20,110	$ 19,910
With the prior written approval of the Governor, this appropriation may be increased, provided, however, that the total appropriations shall not exceed the sum collected from filing and license fees under the sections of the Code pertaining to this activity.		
Item 99		
For preparation and prosecution of rate cases	$ 1,000	$ 1,000
Item 100		
For payment of court costs, a sum sufficient, estimated at	$ 100	$ 100
Item 101		
For making appraisals, valuations, investigations and inspections of the properties and services of certain public service companies, and for the supervision and administration of the laws relative to public service companies, in accordance with §§ 58-660 to 58-671, inclusive, of the Code of Virginia, to be paid only out of the proceeds of the taxes levied and collected under Article 15 of Chapter 12 of Title 58 of the Code of Virginia, and not out of the general fund of the State treasury, the amount derived from the aforesaid taxes, and unexpended balances from said tax revenue, estimated at.....$290,450 the first year, and $293,290 the second year.		
Item 102		
For the promotion of aviation in the public interest, to be paid only out of the tax on gasoline or fuel used in flights within the boundary of the State; and fees from the licensing or registering of airmen, aircraft, and airports, and from all heretofore unexpended balances derived from any of the above sources, and not out of the general fund of the State treasury .....$203,200 the first year, and $194,750 the second year.		
Item 103		
For regulating and taxing motor vehicle carriers, to be paid only out of fees collected from them by the		

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	First Year	Second Year
State Corporation Commission and taxes on them collected under acts administered by the State Corporation Commission and paid into the State treasury to the credit of the highway maintenance and construction fund, the amount of said revenues, estimated at .....$429,600 the first year, and $433,500 the second year.		
Item 104		
For examination and supervision of banks, small loan companies, credit unions, and building and loan associations to be paid only out of the fees, licenses, and taxes levied and collected for the examination and supervision of the said banks, small loan companies, credit unions, and building and loan associations and paid into the State treasury in accordance with law, and out of unexpended balances in said fees, licenses, and taxes heretofore paid into the State treasury, as aforesaid; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury not exceeding.....$274,175 the first year, and $278,075 the second year.		
Out of this appropriation the following salary shall be paid:		
Commissioner of Banking, not exceeding.....$11,500		
Item 105		
For supervision and inspection of concerns conducting an insurance business in Virginia, as required by law, and for administration of the Virginia Fire Hazards Law, to be paid out of the fees, licenses and taxes levied and collected for the payment of the expenses incurred in supervising and inspecting the aforesaid concerns, and paid into the State treasury in accordance with law, and out of unexpended balances in said fees, licenses and taxes heretofore paid into the State treasury as aforesaid; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury, not exceeding .....$412,400 the first year, and $418,700 the second year.		
Out of this appropriation the following salary shall be paid:		
Commissioner of Insurance, not exceeding....$11,500		
This sum includes any compensation for services as a zone manager of the National Association of Insurance Commissioners.		
Total for the Department of Corporations.....$	267,380	$ 266,140

DEPARTMENT OF LABOR AND INDUSTRY

Item 106		
For expenses of administration of the Department of Labor and Industry .....$	38,885	$ 37,920
Out of this appropriation the following salary shall be paid:		
Commissioner $11,500		
Item 107		
For research and statistics.....$	52,850	$ 52,855

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	First Year	Second Year
Item 108		
For factory, institution and mercantile inspections	$ 110,200	$ 109,950
Item 109		
For mines and quarries inspection	$ 94,550	$ 96,700
Item 110		
For supervising the industrial employment of women and children	$ 69,405	$ 71,505
Item 111		
For apprenticeship training	$ 94,700	$ 94,850
Total for the Department of Labor and Industry	$ 460,590	$ 463,780

DEPARTMENT OF WORKMEN'S COMPENSATION

Industrial Commission of Virginia

Items 112-113

For administration of the Virginia Workmen's Compensation Act, to be paid out of the receipts from taxes levied and collected and paid into the State treasury for the administration of the Workmen's Compensation Act in accordance with law, and expenses of retired Commissioners recalled to active duty, in accordance with law; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, not exceeding.....$360,710 the first year, and $356,480 the second year.

Out of this appropriation the following salaries shall be paid:

Commissioners (3), at $13,000 each.....$39,000

UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA

Item 114

For expenses of administration of the Virginia Unemployment Compensation Act, exclusive of the payment of unemployment compensation benefits, a sum sufficient, estimated at.....$2,749,900 the first year, and $2,800,100 the second year.

It is hereby provided that out of this appropriation the following salary shall be paid:

Commissioner $12,500

Item 115

For administration of a merit system program for the Unemployment Compensation Commission of Virginia, a sum sufficient, estimated at .....$5,500 each year.

Item 116

It is hereby provided that the aforesaid appropriations for administration of the Virginia Unemployment Compensation Act and administration of a merit system program shall be paid only out of the unemployment compensation administration fund established by § 60-21 and Article 2 of Chapter 8 of Title 60 of the Code of Virginia, and not out of the general fund of the State treasury. All monies which are deposited or paid into this fund are hereby appropriated and made available to the Commission.

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Item 117 First Year Second Year

For payment of unemployment benefits as authorized by the Virginia Unemployment Compensation Act, a sum sufficient, estimated at.....$8,200,000 each year.

It is hereby provided that this appropriation for payment of unemployment benefits shall be paid only out of the monies requisitioned from the State of Virginia's account in the unemployment compensation trust fund in the treasury of the United States, and paid into the State treasury to the credit of the unemployment compensation fund in accordance with the provisions of §§ 60-90 through 60-94, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury.

Item 118

For special unemployment compensation expenses to be paid only out of the Special Unemployment Compensation Administration Fund continued in effect by § 60-95 of the Code of Virginia, a sum sufficient, not to exceed .....$10,000 each year.

Item 119

For refund of contributions and interest thereon in accordance with the provisions of § 60-94 of the Code of Virginia, to be paid only out of the clearing account created by § 60-90 of the Code of Virginia, a sum sufficient.

Item 120

For payment to the Secretary of the Treasury of the United States to the credit of the unemployment compensation trust fund established by the Social Security Act, to be held for the State of Virginia upon the terms and conditions provided in the said Social Security Act, there is hereby appropriated the amount remaining in the clearing account created by § 60-90 of the Code of Virginia after deducting from the amounts paid into the said clearing account the refunds payable therefrom pursuant to § 60-94 of the Code of Virginia.

Total for the Unemployment Compensation Commission of Virginia from special funds..$10,965,400 the first year, and $11,015,600 the second year.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Item 121

For administration of the functions, powers and duties assigned to the Virginia Alcoholic Beverage Control Board by the Alcoholic Beverage Control Act, to be paid only out of the monies collected and paid into the State treasury by the said board, as provided by § 4-23 of the Code of Virginia, and not out of the general fund of the State treasury, provided, however, with approval of the Governor, loans for the payment of such expenditures may be made from the general fund and from any other funds in the State treasury upon such terms as the Governor may approve, a sum sufficient, estimated at .....$91,409,310 the first year, and $91,517,520 the second year.

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	First Year	Second Year
It is hereby provided that out of this appropriation the following salaries shall be paid: Chairman of the board.....$13,000 Vice-Chairman .....$13,000 Member of board .....$13,000 Salaries for other personal service shall be fixed by the Virginia Alcoholic Beverage Control Board, with approval by the Governor, as provided by the Alcoholic Beverage Control Act. (The sums for such purpose set forth in the Budget are estimates only, and are not to be construed as affecting the discretion of the Governor or the Board with regard thereto as provided in said Act.)		
VIRGINIA STATE LIBRARY		
Item 122		
For maintenance and operation of the Virginia State Library	$ 336,815	$ 341,812
Item 123		
For acquiring, preserving and publishing records and books, including the microfilming of newspapers and records	$ 115,000	$ 120,000
Item 123-A		
For erecting highway historical markers in accordance with the provisions of § 42-66.1 of the Code of Virginia	$ 1,750	
Item 124		
For State aid to public libraries in accordance with the provisions of §§ 42-24 to 42-32 of the Code of Virginia	$ 150,000	$ 150,000
Item 124-A		
For aid to public libraries, to be paid only out of funds received from the Federal government for this purpose, and not out of the general fund of the State treasury .....$80,000 the first year, and $80,000 the second year.		
Total for Virginia State Library.....	$ 603,565	$ 611,812
VIRGINIA MUSEUM OF FINE ARTS		
Item 125		
For developing, interpreting and conserving the Virginia Museum visual arts ..... It is provided that no part of this appropriation from the general fund shall be expended in the maintenance and operation of theatrical productions.	$ 264,590	$ 271,240
Item 126		
For developing, interpreting and conserving the visual arts, including the purchase of additional equipment and works of art, the revenues collected from interest on endowments or from the operation of said museum, or donated therefor, and paid into the State treasury, estimated at .....$90,000 the first year, and $93,000 the second year.		
Item 127		
For maintenance of Gari Melchers Memorial.....	$ 9,400	$ 9,400

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	First Year	Second Year
Item 128		
For maintenance of Gari Melchers Memorial, from revenues collected from interest on endowment or from the operation of said memorial, or donated therefor, and paid into the State treasury, estimated at ....$300 each year.		
Total for Virginia Museum of Fine Arts.....	$ 273,990	$ 280,640

PUPIL PLACEMENT BOARD

Item 129		
For administration of pupil Placement Act.....	$ 166,510	$ *50,000

DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

Item 130		
For expenses of administration of the State Board of Education, including the payment of premiums on official bonds in accordance with the provisions of § 2-8 of the Code of Virginia	$ 176,400	$ 176,200
Out of this appropriation shall be paid the following salary:		
Superintendent of Public Instruction (without fees, the fees collected by him to be paid into the general fund of the State treasury) $17,000		
Item 130-A		
For expenses of hearing appeals from school boards with respect to placement of pupils	$	$ *167,230*
Item 131		
For research, planning and testing.....	$ *327,213*	$ *698,963*
Item 132		
For teacher education and teaching scholarships for the public free schools, an amount not to exceed.....	$ 673,375	$ 698,875
To be apportioned under rules and regulations of the State Board of Education with the approval of the Governor.		
Item 133		
For State supervision.....	$ 331,700	$ 335,600
Item 134		
For production of motion picture films.....	$ 37,800	$ 37,800
Item 135		
For production of motion picture films, to be paid only from funds derived by the State Board of Education from the production of such films and paid into the State treasury, and not out of the general fund of the State treasury .....$17,050 each year.		
Item 136		
For local administration (salaries of division superintendents)	$ 255,000	$ 255,000
This appropriation shall be expended for salaries of division superintendents under the conditions set forth in § 22-37, as amended, of the Code of Virginia.		
Item 137		
For the establishment and maintenance of local supervision of instruction in elementary and high schools, including visiting teachers, to be apportioned among such schools by the State Board of Education..	$ 752,700	$ 752,700

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Item 138	First Year	Second Year
For basic appropriation for teachers salaries	$44,655,500	$50,975,150

It is provided that in the apportionment of this sum no county or city shall receive less than the amount prescribed by § 135 of the Constitution of Virginia.

It is provided, further, that the total of this sum, including the aforementioned apportionment, and the sums set forth in Items 139 and 140 shall be apportioned to the public schools by the State Board of Education under rules and regulations promulgated by it to effect the following provisions:

a. The apportionment shall be on the basis of the following amounts, as applicable, per State aid teaching position:

(1) in the first year of the biennium, $1,650 for each such position, plus an additional $150 for each such position which is occupied by a teacher having a collegiate professional certificate (or equivalent) and seven or less years of experience or by a teacher having a normal professional certificate (or equivalent) and eleven or less years of experience; and,

(2) in the second year of the biennium, $1,750 for each such position, plus an additional $300 for each such position which is occupied by a teacher having a collegiate professional certificate (or equivalent) and seven or less years of experience or by a teacher having a normal professional certificate (or equivalent) and eleven or less years of experience.

It is provided, however, that no payment from this item for a State aid teaching position shall exceed two-thirds of the salary paid the incumbent of a State aid teaching position when the total salary of such incumbent is less than the amount of State aid available for each State aid teaching position. For purposes of this act, "State aid teaching position" is defined as one teaching position for each thirty (30) pupils in average daily attendance in the elementary grades and one teaching position for each twenty-three (23) pupils in average daily attendance in the high school grades. The average daily attendance figures used in the apportionment of this item shall be those of the school year falling within the fiscal year for which the appropriation is made.

b. No apportionment from this item shall be made to any county or city for State aid teaching positions in excess of the number of such positions in which teachers are actually employed; provided, however, that in exceptional circumstances and in the discretion of the State Board of Education, a county or city may employ fewer teachers than the number of assigned State aid teaching positions allotted in accordance with paragraph a.

c. No apportionment from this item shall be made to any county or city except for payment of salaries of teachers or other instructional personnel in the public schools, or for payment of tuition in lieu of teacher or other instructional salaries under rules and regulations of the State Board of Education.

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First Year Second Year

d. The annual expenditure of funds, derived from local sources, for instruction in the public schools shall not be less than the annual expenditure made from local sources for such instruction for the second school year in the previous biennium. However, if a county or city has established and maintains a salary schedule for teachers and other instructional personnel satisfactory to the State Board of Education, the expenditure, derived from local funds, for the salaries of teachers and other instructional personnel may be reduced below such expenditures for the second school year in the previous biennium, provided the reduction and the amount of reduction are approved by the State Board of Education. Also, a county or city may reduce such expenditure in exceptional circumstances due to a substantial loss in average daily attendance of pupils in the county or city, or in other exceptional local conditions, provided the reduction and the amount of reduction are approved by the State Board of Education.

e. The county or city shall pay from local funds at least thirty per cent (30%) of the total amount expended for salaries of teachers and other instructional personnel. However, a county or city shall be permitted by the State Board of Education to pay not less than twenty per cent (20%) of such amount if the county or city provides a levy or cash appropriation or a combination of both for schools which, when converted to an equivalent true tax rate, is as great as the average of all county or all city levies or cash appropriations or a combination of both such levies and appropriations for schools converted to an equivalent true tax rate; in converting a levy or cash appropriation or a combination of both for schools to an equivalent true tax rate, ratios of assessed valuations to true values used shall be such ratios determined by the State Tax Commissioner for the tax year 1950. For such counties or cities, the State Board of Education shall determine the per cent of local contribution, in no instance less than twenty per cent (20%) of the total amount expended for salaries of teachers and other instructional personnel.

f. A minimum salary schedule for teachers and other instructional personnel, satisfactory to the State Board of Education and approved by the Governor, shall be put into effect.

g. If any municipality annexes any portion of any county or counties, the State Board of Education shall make such equitable adjustment of the funds which would otherwise have gone to either as is in its opinion justified by the peculiar condition created by such annexation, and order distribution of such funds according to its findings. This provision shall not apply if a court of competent jurisdiction makes such adjustment and orders such distribution.

h. Allotments of funds from this item and from Items 139 and 140 beyond the constitutional appropriation shall be paid to a county or city only after

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	First Year	Second Year

submission of evidence satisfactory to the State Board of Education that the amount for which the allotment is claimed has been or will be expended for the purpose designated and in full compliance with the terms and conditions set forth pursuant to this item.

i. It is further provided that the State Board of Education with the approval of the Governor may make such equitable adjustment in the distribution of this fund as may be necessary due to a substantial loss in average daily attendance of pupils in any county, city or town. The average daily attendance data for such county, city or town for the previous year may be used in making this adjustment.

It is further provided that in the event the total of the sums set forth in Items 138, 139, and 140 exceeds the amount necessary to make the apportionments required by this item, any balance remaining may, upon request by the State Board of Education, and with the prior written approval of the Governor, be transferred and added to the sums set forth in Item 142 or in Item 148, or in both.

Item 139

For basic appropriation for teachers' salaries, to be paid from the actual collections of special taxes segregated by § 135 of the Constitution of Virginia to support of the public free schools; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at.....$1,275,000 the first year, and $1,350,000 the second year.

Item 140

For basic appropriation for teachers' salaries, to be paid from the proceeds of interest payments to the Literary Fund; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at .....$1,056,500 the first year and $1,478,000 the second year.

Item 141

For salary equalization .....$	9,050,000	$ 9,050,000

a. It is provided that the State Board of Education shall pay from the sums provided by this item to each county and city an amount equal to that paid for the year ending June 30, 1958, from Item 137, Chapter 716, Acts of Assembly of 1956.

b. It is provided further that the State Board of Education shall make no distribution from this item to any county or city which has not first complied with the conditions stated in paragraphs c-h, inclusive, of Item 138 and in paragraph b of Item 142.

c. If the sums available for this item as listed herein or by authorized transfer hereto are not sufficient for the purposes described, the distribution of such sums shall be made on a pro rata basis. If the sums available for this item as listed herein exceed the amount required for the purposes described, any balance remaining may, upon request of the State Board of Education, with the prior written approval of the Governor, be transferred and added to the sums set forth in Item 138, or in Item 142, or in both.

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Item 142	First Year	Second Year
For providing a minimum educational program	$ 7,500,000	$ 8,000,000

A county or city, which meets the requirements stated below is eligible, subject to rules and regulations promulgated by the State Board of Education, to receive an apportionment from this item to provide sufficient monies to operate a minimum educational program; a minimum educational program is defined as expenditure for school operation of not less than one hundred and seventy dollars nor more than two hundred dollars, as promulgated by the State Board of Education, per pupil in average daily attendance. To be eligible for an apportionment from this item, a county or city must:

a. Have projected, in the opinion of the State Board of Education, a well-planned educational program, and

b. Have expended from local sources for school operation, exclusive of capital outlay and debt service, an amount equivalent to a uniform tax levy of fifty cents per one hundred dollars ($100) of true valuation of local taxable wealth within such county or city. The true valuation of local taxable wealth used for this purpose shall be that determined by the State Department of Taxation for the tax year 1950.

c. Be still unable, with the amount thus provided from local sources, other available State apportionments for the public free schools, and Federal funds (not including capital outlay), to provide a minimum education program as defined above.

It is further provided that the State Board of Education may, in its discretion, apply eligibility requirements and compute allocations from this fund separately for any town school district operated by a school board of not more than five members, and the county in which such town is located.

If the amount set forth in Items 138-140, inclusive, or in Item 141 are not sufficient for the purposes described therein, the State Board of Education with the prior written approval of the Governor, may transfer from Item 142 to Item 138 or to Item 141, or to both, such sums as may be deemed proper.

If the amount provided by this item is insufficient to meet the entire needs of those counties and cities which qualify for apportionments as herein provided, the amount shall be distributed to such counties and cities on a pro rata basis.

No county or city shall receive from the total appropriation under this item more than two hundred and twenty-five thousand dollars during either year of the current biennium.

Item 143		
For special education	$ 706,550	$ 757,450

Item 144		
For vocational education and to meet Federal aid	$ 4,391,500	$ 4,845,025

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	First Year	Second Year
Item 145		
For vocational education, the funds received from the Federal government for vocational education, provided that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at ..... $950,000 each year.		
It is provided that a sum, not less than $5,000 each year, be transferred from this appropriation to the general fund of the State treasury as a proportionate share of the administrative expenses of the State Board of Education.		
Item 146		
For guidance and adult education.....	$ 40,000	$ 40,000
Item 147		
For pupil transportation	$ 5,222,280	$ 5,367,075
This appropriation shall be distributed as reimbursement for costs of pupil transportation under rules and regulations to be prescribed by the State Board of Education; provided no county or city shall receive an allotment in excess of the amount actually expended for transportation of pupils to and from the public schools, exclusive of capital outlay; provided, further, that if the funds appropriated for this purpose are insufficient, the appropriation shall be prorated among the counties and cities entitled thereto.		
Item 148		
For a discretionary fund to be disbursed under the rules and regulations of the State Board of Education.....	$ 100,000	$ 100,000
It is provided that the State Board of Education may make apportionments from this discretionary fund only under the following conditions:		
(1) For the purpose of aiding certain counties to operate and maintain a nine-month school term: satisfactory assurances must be given to the State Board of Education that (a) without aid from this fund the county is unable from local funds and other State funds to operate and maintain a nine-month school term, (b) maximum local funds for instruction, operation, and maintenance have been provided, and (c) such local funds, with other State funds apportioned to said county, and aid from this appropriation will enable the schools in said county to be operated and maintained for a term of not less than nine months.		
(2) For the purpose of aiding those counties and/or cities which are experiencing extraordinary continuing increases in average daily attendance, thereby requiring employment of additional teachers in excess of the number anticipated on the basis of average daily attendance of pupils enrolled during the preceding school year.		
Item 149		
For sick leave with pay for teachers in the public free schools, to be expended in accordance with regulations of the State Board of Education, subject to the prior written approval of the Governor.....	$ 330,000	$ 363,000

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	First Year	Second Year
Item 150		
For providing free text books only	$ 225,000	$ 245,000
Item 151		
For maintenance of libraries and other teaching material in public schools	$ 532,950	$ 573,450
Item 152		
For maintenance of libraries and other teaching materials in public schools, to be paid only out of the funds received from localities, and paid into the State treasury, and not out of the general fund of the State treasury, estimated at $300,000 the first year, and $330,000 the second year.		
Item 153		
For industrial rehabilitation	$ 551,430	$ 595,100
Item 154		
For industrial rehabilitation to be paid only from funds received from the Federal government and from local contributions for any such rehabilitation and not out of the general fund of the State treasury, estimated at $1,136,870 the first year, and $1,224,200 the second year.		
Item 155		
For industrial rehabilitation to be paid from the fund for the administration of the Workmen's Compensation Act and not out of the general fund of the State treasury $17,000 each year.		
Item 156		
For placement and training of veterans in business establishments	$ 7,425	$ 7,430
Item 157		
For placement and training of veterans in business establishments, to be paid only out of funds received from the Federal government for this purpose, and not out of the general fund of the State treasury $91,875 the first year, and $92,670 the second year.		
Item 158		
For the education of orphans of soldiers, sailors and marines who were killed in action or died, or who are totally and permanently disabled as a result of service during the World War	$ 18,000	$ 18,000

It is provided that the sum hereby appropriated shall be expended for the sole purpose of providing for tuition, institutional fees, board, room rent, books and supplies, at any educational or training institution of collegiate or secondary grade in the State of Virginia, approved in writing by the Superintendent of Public Instruction, for the use and benefit of the children not under sixteen and not over twenty-five years of age, either of whose parents was a citizen of Virginia at the time of entering war service and was killed in action or died from other causes in World War I extending from April 6, 1917, to July 2, 1921, or in any armed conflict subsequent to December 6, 1941, while serving in the army, navy, marine corps, air force or coast guard of the United States, either of whose parents was, or is, or may hereafter

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	First Year	Second Year

become totally and permanently disabled due to such service during either such period, whether such parents be now living or dead.

Such children, upon recommendation of the Superintendent of Public Instruction, shall be admitted to State institutions of secondary or college grade, free of tuition.

The amounts that may be, or may become, due hereunder by reason of attendance at any such educational or training institution, not in excess of the amount specified hereinafter shall be payable from this appropriation hereby authorized on vouchers approved by the Superintendent of Public Instruction.

The Superintendent of Public Instruction shall determine the eligibility of the children who may make application for the benefits provided for herein; and shall satisfy himself of the attendance and satisfactory progress of such children at such institutions and of the accuracy of the charge or charges submitted on account of the attendance of any such children at any such institution, provided, that neither said Superintendent nor any member of the State Board of Education, nor any official or agent or employee thereof, shall receive any compensation for such services.

Not exceeding four hundred dollars shall be paid hereunder for any one child for any one school year; and no child may receive benefits of this or similar appropriations for a total of more than four school years.

This amendment shall not operate to divest any such child of any such scholarship now holding any such scholarship under this act except that the four-year limitation herein provided for shall apply to any scholarship heretofore issued.

Item 158-A

To further and encourage generally the education of the children in Viginia, by providing for the payment of tuition grants for children attending nonsectarian private schools and public schools located in school districts other than that which the children would normally attend, a sum sufficient, estimated at..... $ 1,200,000 *

a. The sums appropriated by this item shall be expended to provide tuition grants to pupils attending those said schools which are approved for their attendance by the State Board of Education, and shall be made under rules and regulations to be promulgated and enforced by the State Board of Education. Such grants shall be paid out of this appropriation to the parent, guardian or other custodian of the pupil, and shall not exceed $250.00 for the school session 1958-59 * or the amount necessary to be expended in payment of the actual cost of such pupil's attendance at said school, whichever sum is the lesser.

b. Pupils entitled to tuition grants hereunder shall be those whose parents, guardians or custodians make affidavit, and establish to the satisfaction of the State Board of Education, that there is no adequate public school available for the pupil to attend, or that the welfare of the child would be best served

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	First Year	Second Year
if he attended a school other than the public school which he would normally attend; or that the pupil, his parents, guardian or custodian object upon grounds deemed valid and reasonable by the State Board of Education to such pupil's attendance at the public school to which he has been or would normally be assigned. Nothing herein contained shall be construed as prohibiting localities from supplementing such grants from local funds otherwise legally available.		
Item 158-B		
To assist localities in providing, in accordance with law, scholarships to children attending nonsectarian private schools located in or outside, and public schools located outside, the locality in which such children reside, a sum sufficient, estimated at		*$ 2,500,000*
Out of the funds appropriated by this item there shall be paid to each county, city, and town for each such scholarship grant made by such locality an amount equal to the State's share of the minimum amount of such scholarship as such share is defined by law.		
Item 159		
For twelve months' principals	$ 330,000	$ 330,000
Item 160		
For the acquisition and distribution of surplus equipment, to be paid only from funds derived by the State Board of Education from such acquisition and distribution of the said equipment and paid into the State treasury, and not out of the general fund of the State treasury $105,100 the first year, and $106,300 the second year.		
Item 161		
The State Board of Education shall make rules and regulations governing the distribution and expenditure of such additional Federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.		
Total for the State Board of Education	$77,414,823	*$*86,889,048*
Woodrow Wilson Rehabilitation Center		
Item 162		
For maintenance of Woodrow Wilson Rehabilitation Center, under supervision of the State Superintendent of Public Instruction, to be paid only out of the special revenues derived from the operation of the said Center, and paid into the State treasury, and not out of the general fund of the State treasury $769,925 the first year, and $782,485 the second year.		
It is further provided that, with the prior written approval of the Governor, the above appropriations for maintenance and operation may be increased by an amount not exceeding any special revenue collections in excess of the sums listed above.		
Virginia State College, at Petersburg		
Item 163		
For maintenance and operation of the Virginia State College, at Petersburg	$ 1,663,982	$ 1,708,632
It is provided that out of this appropriation there is hereby appropriated:		

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	First Year	Second Year
For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.		
Item 164		
For medical scholarships, not exceeding	$ 10,000	$ 10,000
Item 165		
For dental scholarships, attendance to be at Meharry Medical College, or other college offering such courses.	$ 2,000	$ 2,000
Item 166		
For making loans to students	$ 3,500	$ 3,500
Item 167		
For equalization of higher educational opportunities	$ 135,000	$ 135,000
Item 168		
For contracts with Meharry Medical College and Tuskegee Institute	$ 60,500	$ 60,500
Item 169		
For maintenance and operation of the Virginia State College, at Petersburg, to be paid only from the special revenues collected or received for the use of the said Virginia State College, and paid into the State treasury, and not out of the general fund of the State treasury $1,498,968 the first year, and $1,498,968 the second year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in effect by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto, a sum sufficient, estimated at $106,000 the first year, and $104,000 the second year.		
Total for Virginia State College, at Petersburg	$ 1,874,982	$ 1,919,632
Virginia State College, at Petersburg, Norfolk Division		
Item 170		
For maintenance and operation of an extension division of the Virginia State College, at Norfolk	$ 505,389	$ 561,389
Item 171		
For maintenance and operation of an extension division of the Virginia State College, at Norfolk, to be paid only from the special revenues collected or received for the use of the said Norfolk Division, and paid into the State treasury, and not out of the general fund of the State treasury $505,800 the first year, and $545,800 the second year.		
Total for Virginia State College, at Petersburg, including Norfolk Division	$ 2,380,371	$ 2,481,021
Longwood College, at Farmville		
Item 172		
For maintenance and operation of Longwood College, at Farmville	$ 611,013	$ 630,330
Item 173		
For maintenance and operation of Longwood College, at Farmville, to be paid only from the special revenues		

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	First Year	Second Year
collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury.....$677,942 the first year, and $695,490 the second year.		
Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in effect by § 23-30, and § 23-21 of the Code of Virginia, or with any amendments thereto.....$42,500 the first year and $42,300 the second year.		
Madison College, at Harrisonburg		
Item 174		
For maintenance and operation of Madison College, at Harrisonburg	$ 740,438	$ 727,694
Item 175		
For maintenance and operation of Madison College, at Harrisonburg, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury.....$966,300 the first year, and $1,033,025 the second year.		
Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in effect by §23-30 of the Code of Virginia, and §23-21 of the Code of Virginia, or with any amendments thereto....$79,025 the first year, and $76,915 the second year.		
Virginia State School, at Newport News		
Item 176		
For maintenance and operation of the Virginia State School, at Newport News.....	$ 369,280	$ 381,190
Item 177		
For maintenance and operation of the Virginia State School, at Newport News, to be paid only from special revenues collected by the Virginia State School, at Newport News, and paid into the State treasury, and not out of the general fund of the State treasury .....$21,400 each year.		
VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND, AT STAUNTON		
Item 178		
For maintenance and operation of the Virginia School for the Deaf and the Blind, at Staunton.....	$ 723,818	$ 711,747
Item 179		
For maintenance and operation of the Virginia School for the Deaf and the Blind, at Staunton, to be paid only out of special revenues collected or received for use of said Virginia School for the Deaf and the Blind, and paid into the State treasury and not out of the general fund of the State treasury.....$56,727 the first year, and $56,728 the second year.		

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STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Item 180	First Year	Second Year
For providing for the coordination of the State-supported system of higher education	$ 30,300	$ 29,600
Item 180-A		
For scholarships		$ 50,000

It is provided that this appropriation shall be used for scholarships to be awarded to graduates of Virginia high schools on basis of need and merit to attend any college or university in Virginia. The standards and conditions for awards and retention of scholarships shall be developed by the State Council of Higher Education and the State Board of Education, jointly. It is further provided that fifty per centum of this appropriation shall be expended in granting scholarships as hereinabove provided. The remaining fifty per centum of this appropriation shall be established as a student loan fund, to be disbursed and repaid in accordance with rules and regulations developed by the State Council of Higher Education and the State Board of Education jointly. Whenever a scholarship is awarded from this appropriation, it shall be established upon the books of the State Treasurer to the credit of the institution of higher education which accepts the student receiving such scholarship. It is further provided that fifty per centum of such scholarships and fifty per centum of the loan fund hereby established shall be made available to students who will take courses leading to degrees in the fields of science and engineering. It is finally provided that any note or other evidence of a promise to repay any such scholarship loan executed by a person seventeen years of age or older shall for the purpose of enforcing such obligation be deemed sui juris.

Total for the State Council of Higher Education for Virginia	$ 30,300	$ 79,600

COLLEGE OF WILLIAM AND MARY IN VIRGINIA, AT WILLIAMSBURG

Item 181		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg	$ 1,163,960	$ 1,202,725

It is provided that out of this appropriation there is hereby appropriated:

For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.

Item 182

It is provided that no expenditure for lectures and entertainments shall be made by the College of William and Mary in excess of the amounts obtained by the College for providing such lectures and entertainments.

Item 183

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, to be paid only from the special revenues collected or received for the use of said College of William and Mary, and paid into the State treasury, and not out of the gen-

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	First Year	Second Year
eral fund of the State treasury.....$1,654,380 each year.		
Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid College of William and Mary, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in effect by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto .....$117,000 each year.		

College of William and Mary in Virginia, at Williamsburg, Norfolk Division

Item 184		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Norfolk Division	$ 508,140	$ 523,140
Item 185		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Norfolk Division, to be paid only from the special revenues collected or received for the use of the said Norfolk Division, and paid into the State treasury, and not out of the general fund of the State treasury..$719,700 the first year, and $752,700 the second year.		
Item 186		
It is provided that no expenditure for the teaching of four-year courses at the Norfolk Division of the College of William and Mary shall be made except with the prior approval of the General Assembly.		

College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute

Item 187		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute	$ 398,150	$ 430,675
Item 188		
For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute, to be paid only from the special revenues collected or received for the use of the said Richmond Professional Institute, and paid into the State treasury and not out of the general fund of the State treasury .....$908,850 the first year, and $910,325 the second year.		

MEDICAL COLLEGE OF VIRGINIA, AT RICHMOND
College Division

Item 189		
For maintenance and operation of the Medical College of Virginia, at Richmond, College Division.....	$ 1,345,695	$ 1,341,865
Item 190		
For making loans to students.....	$ 1,000	$ 1,000

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	First Year	Second Year
Item 190-A		
For post graduate education—medicine	$ 11,405	$ 11,405
Item 191		
For post graduate education—dentistry	$ 5,000	$ 5,000
Item 192		
For medical scholarships	$ 20,000	$ 20,000
Item 193		
For dental scholarships	$ 4,000	$ 4,000
Item 194		
For nursing scholarships	$ 2,000	$ 2,000

Item 195

For maintenance and operation of the Medical College of Virginia, at Richmond, College Division, including interest and sinking fund payments on the bonded debt of said college division, to be paid only from special revenues collected or received for the use of said Medical College of Virginia, College Division, and paid into the State treasury, and not out of the general fund of the State treasury.....$1,080,250 the first year, and $1,118,180 the second year.

Item 196

For students' hospitalization to be paid out of the special revenues collected, or received, for the use of the said Medical College of Virginia, College Division, and paid into the State treasury, and not out of the general fund of the State treasury.....$46,300 each year.

Total for the Medical College of Virginia, at Richmond, College Division	$ 1,389,100	$ 1,385,270

Medical College of Virginia, at Richmond Hospital Division

Item 197		
For maintenance and operation of the Medical College of Virginia, at Richmond, Hospital Division, including free treatment, care and maintenance of indigent Virginia patients	$ 2,269,500	$ 2,445,550

Item 198

For maintenance and operation of the Medical College of Virginia, Hospital Division, including interest and sinking fund payments on the bonded debt of said hospital division, to be paid only from special revenues collected or received for said hospital division, and paid into the State treasury, and not out of the general fund of the State treasury.....$6,383,700 the first year, and $6,395,250 the second year.

UNIVERSITY OF VIRGINIA, AT CHARLOTTESVILLE

Items 199-200		
For maintenance and operation of the University of Virginia, at Charlottesville	$ 4,095,195	$ 4,027,985
Item 201		
For maintenance of extension activities	$ 113,100	$ 116,000

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Item 202	First Year	Second Year
For student scholarships	$ 10,000	$ 10,000

The Rector and Visitors of the University of Virginia shall have authority, with the consent of the Governor, to furnish from funds appropriated to the University by the General Assembly, monies for the creation of scholarships to be given graduates of Virginia high schools who meet the scholastic qualifications laid down by the Board.

Item 203		
For medical scholarships	$ 20,000	$ 20,000

Item 204

For maintenance and operation of the University of Virginia, at Charlottesville, to be paid only from special revenues collected or received for the use of said University of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury .....$3,082,200 the first year, and $3,191,700 the second year.

Out of this appropriation of $3,082,200 the first year, and $3,191,700 the second year it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid University of Virginia and to constitute the sinking fund in accordance with the provisions of §§ 7, 8 and 9 of chapter 61 of the Acts of Assembly of 1928, as continued in effect by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, and in accordance with the provisions of § 23-67 of the Code of Virginia, or with any amendments thereto, estimated at..$67,015 the first year, and $65,570 the second year out of the special revenues collected or received for the use of the said University of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury.

Item 205

For student health, to be paid only out of the special revenues collected or received by the University of Virginia for student health activities, and paid into the State treasury, and not out of the general fund of the State treasury.....$92,800 the first year, and $93,300 the second year.

Item 206

For maintenance of extension activities, to be paid only from special revenues collected or received for the use of said activities, and paid into the State treasury, and not out of the general fund of the State treasury .....$450,000 each year.

Item 207		
For Clinch Valley College	$ 126,750	$ 92,985

Item 208

For Clinch Valley College, to be paid only from the special revenues collected or received for the maintenance of said Clinch Valley College, and paid into the State

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	First Year	Second Year
treasury, and not out of the general fund of the State treasury ....$86,300 the first year, and $86,800 the second year.		
Item 208-A		
For University of Virginia, Northern Virginia—Branch College	$ 55,000	$ 55,000
Total for the University of Virginia, at Charlottesville	$ 4,420,045	$ 4,321,970

University of Virginia, at Charlottesville
Hospital Division

Item 209		
For maintenance and operation of the University of Virginia, at Charlottesville, Hospital Division, including free treatment, care and maintenance of indigent Virginia patients	$ 1,163,950	$ 1,202,350
Item 210		
For maintenance and operation of the University of Virginia, at Charlottesville, Hospital Division, to be paid only from special revenues received for the use of the said Hospital Division and paid into the State treasury, and not out of the general fund of the State treasury ....$2,818,750 each year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the existing interest bearing debt of the said Hospital Division and to constitute the sinking fund, estimated at ....$14,825 the first year, and $10,845 the second year.		

Mary Washington College, of the University of Virginia,
at Fredericksburg

Item 211		
For maintenance and operation of Mary Washington College, of the University of Virginia, at Fredericksburg..	$ 376,930	$ 396,840
Item 212		
For maintenance and operation of Mary Washington College, of the University of Virginia, at Fredericksburg, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury....$1,668,730 each year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto, estimated at ....$101,320 each year		

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VIRGINIA POLYTECHNIC INSTITUTE, AT BLACKSBURG

Item 213	First Year	Second Year
For maintenance and operation of the Virginia Polytechnic Institute, at Blacksburg	$ 2,776,510	$ 2,877,110
It is provided that out of this appropriation there is hereby appropriated: For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient. It is further provided that out of this appropriation there is hereby appropriated $10,000 each year for providing scholarships for needy Virginia youth.		
Item 214		
For regional education in veterinary medicine, to be expended in accordance with contract agreement between State of Virginia and Board of Control for Southern Regional Education	$ 64,500	$ 67,500
Item 215		
For making loans to students	$ 1,500	$ 1,500
Item 216		
For maintenance and operation of the Virginia Polytechnic Institute, at Blacksburg, to be paid only from the special revenues collected or received for the use of said college, and paid into the State treasury, and not out of the general fund of the State treasury $4,327,315 for the first year, and $4,332,315 for the second year.		
Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the Virginia Polytechnic Institute, at Blacksburg, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489, of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in force by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, or with any amendments thereto $233,600 the first year, and $249,100 the second year.		
It is further provided that out of this appropriation of $4,327,315 for the first year and $4,332,315 for the second year, there is hereby appropriated:		
For providing scholarships $10,000 each year.		
For student activities 35,700 the first year, and $36,000 the second year.		
For providing student's physical facilities 110,000 each year.		
For uniform commutation 96,000 each year.		
Total for Virginia Polytechnic Institute, at Blacksburg	$ 2,842,510	$ 2,946,110

Virginia Polytechnic Institute, at Blacksburg
Virginia Engineering Experiment Station

Item 217		
For the Virginia Experiment Station of the Virginia Polytechnic Institute for research in engineering	$ 54,710	$ 56,530

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Item 218	First Year	Second Year
For research in engineering by the Virginia Engineering Experiment Station of the Virginia Polytechnic Institute, to be paid only from the special revenues collected and paid into the State treasury for the use of the said Virginia Engineering Experiment Station, and not out of the general fund of the State treasury .....$130,400 each year.		

Virginia Polytechnic Institute, at Blacksburg, Extension Division

Item 219		
For the Extension Division of the Virginia Polytechnic Institute, at Blacksburg, for the purpose of conducting demonstration work in the State of Virginia, or in the several counties therein, in connection and cooperation with the United States Department of Agriculture, under the provisions of the Federal Smith-Lever Act and other Federal acts for extension..	$ 1,943,350	$ 2,008,250
Out of this appropriation there is hereby appropriated: For dairy and pasture specialists.....$15,000 each year.		
Item 220		
For the Extension Division of the Virginia Polytechnic Institute, at Blacksburg, to be paid only from the special revenues collected or received for the use of said extension division and paid into the State treasury, including Federal aid, and not out of the general fund of the State treasury.....$1,512,150 each year.		
Item 221		
For the extension work on control and prevention of Black Shank disease in tobacco.....	$ 12,200	$ 12,100
Item 222		
For the Certified Seed Commission, for the improvement of Virginia Crops	$ 33,744	$ 33,944
It is provided that this appropriation shall be inclusive of all funds received by the Certified Seed Commission from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.		
Item 222-A		
For extension work on identification, control and prevention of diseases and pests harmful to shade trees, shrubs and other landscape plantings.....	$ 13,500	$ 9,960
Total for the Extension Division of Virginia Polytechnic Institute	$ 2,002,794	$ 2,064,254

Virginia Polytechnic Institute, at Blacksburg Virginia Agricultural Experiment Station

Item 223		
For maintenance and operation of the Virginia Agricultural Experiment Station, at Blacksburg, and the several regional experiment stations under its control, in accordance with law	$ 1,259,360	$ 1,286,360

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	First Year	Second Year
Item 224		
For making surveys of soil	$ 52,000	$ 52,000
Item 225		
For economic classification of land	$ 37,500	$ 37,500
Item 226		
For investigation of tobacco diseases	$ 60,000	$ 61,000
Item 226-A		
For investigation of diseases and pests harmful to shade trees and other landscape plantings	$ 14,400	$ 12,210
Item 227		
For maintenance and operation of the Virginia Agricultural Experiment Station and the several county experiment stations under its control, in accordance with law, to be paid only from the special revenues received or collected for the use of said experiment station, and paid into the State treasury, including Federal aid, and not out of the general fund of the State treasury $1,059,000 each year.		
Total for Virginia Agricultural Experiment Station	$ 1,423,260	$ 1,449,070

Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford

Item 228		
For maintenance and operation of Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford	$ 461,155	$ 463,325
Item 229		
For making loans to students	$ 1,000	$ 1,000
Item 230		
For maintenance and operation of Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury $810,840 the first year, and $850,060 the second year.		
Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, or with any amendments thereto $59,700 the first year, and $59,600 the second year.		
Total for Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford	$ 462,155	$ 464,325

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VIRGINIA MILITARY INSTITUTE, AT LEXINGTON

Item 231	First Year	Second Year
For maintenance and operation of the Virginia Military Institute, at Lexington	$ 791,365	$ 783,030

Item 232

For maintenance and operation of the Virginia Military Institute, at Lexington, to be paid only from the special revenues collected or received for the use of said Virginia Military Institute, and paid into the State treasury, and not out of the general fund of the State treasury.....$1,176,305 the first year, and $1,222,010 the second year.

Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid Virginia Military Institute, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto .....$17,500 each year.

The amounts already accumulated of the following special Virginia Military Institute funds, i. e., the cadet re-examination fees, the fund representing reimbursement of shortages in the Virginia Military Institute's treasurer's account extending over a number of years, and the payments to Virginia Military Institute by former State cadets in lieu of service in the National Guard, teaching in Virginia schools, or working in the State Highway Department, shall hereafter constitute a Virginia Military Institute endowment fund, the interest on which shall be expended in accordance with the resolution of the Board of Visitors.

It is hereby provided that on and after the approval of this act the Board of Visitors of the Virginia Military Institute shall not admit any cadet as a "State cadet" whose financial condition or that of his parents permits him to pay the board and tuition fees charged other students.

VIRGINIA TRUCK EXPERIMENT STATION, AT NORFOLK

Item 233		
For experimentation in truck crop development	$ 193,395	$ 201,397

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGISTRATION

Items 234-235		
For directing and supervising the work of professional and occupational examining and licensing boards	$ 98,700	$ 101,200

It is hereby provided that out of this appropriation the following salary shall be paid:

Director $9,500

Virginia Board of Bar Examiners

Item 236		
For examining and licensing applicants for admission to the bar	$ 9,540	$ 9,540

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	First Year	Second Year
Out of this appropriation the secretary-treasurer of the Virginia Board of Bar Examiners shall be allowed an annual salary not exceeding.....$3,600		

Virginia State Board of Dental Examiners

Item 237

For regulating the practice of dentistry.....$	12,665	$ 12,665
It is hereby provided that the total expenditure made under the provisions hereof shall not exceed the total amount of revenue paid into the general fund of the State treasury by the Virginia State Board of Dental Examiners during the current biennium.		

Virginia Board of Funeral Directors and Embalmers

Item 238

For licensing funeral directors and embalmers, and carrying out the other duties required by law of the Virginia Board of Funeral Directors and Embalmers....$	22,495	$ 23,550

State Board of Examiners of Nurses

Item 239

For examination of nurses and for nurses' training school inspection .....$	48,310	$ 49,330

Virginia State Board of Examiners in Optometry

Item 240

For regulating the practice of optometry.....$	4,235	$ 4,235

State Board of Medical Examiners

Item 241

For regulating the practice of medicine.....$	24,225	$ 24,750

State Board of Pharmacy

Item 242

For regulating the practice of pharmacy.....$	42,530	$ 43,280

Virginia Athletic Commission

Item 243

For regulating boxing and wrestling contests in accordance with the provisions of §§ 9-16 through 9-48, inclusive, and § 18-319 of the Code of Virginia, to be paid only out of the revenues collected and paid into the State treasury in accordance with the provisions of this act, and not out of the general fund of the State treasury .....$11,762 the first year, and $11,919 the second year.

Item 244

For payment to the counties, cities and towns of their shares, pursuant to § 9-47 of the Code of Virginia, of monies collected by the Virginia Athletic Commission, a sum sufficient.

State Registration Board for Contractors

Item 245

For regulating the practice of general contracting in Virginia .....$	24,920	$ 24,820
Total for the Department of Professional and Occupational Registration .....$	287,620	$ 293,370

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DEPARTMENT OF AGRICULTURE AND IMMIGRATION

Board of Agriculture and Immigration

	First Year	Second Year
Item 246		
For expenses of administration of the Board of Agriculture and Immigration	$ 104,050	$ 104,750
Out of this appropriation the following salary shall be paid: Commissioner of Agriculture and Immigration (without fees, all fees of office to be paid into the State treasury) $12,500		
Item 247		
For public information	$ 23,000	$ 23,000
Item 248		
For promoting Virginia farm products	$ 34,575	$ 35,175
Item 249		
For regulating the sale of fertilizers, limes and gasoline	$ 148,860	$ 150,480
Item 250		
For administration of commodities laws and laboratories	$ 47,250	$ 47,700
Item 251		
For prevention of swine diseases, to be paid only out of the fees and revenues collected or received by the Board of Agriculture and Immigration, in accordance with the provisions of § 3-598.4 of the Code of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury the amount of such revenues, estimated at $16,930 each year. It is provided that any unexpended portion of the funds derived from said fees and revenues at the close of the previous biennium is hereby reappropriated to the Board of Agriculture and Immigration to be used for the prevention of swine diseases.		
Item 252		
For protecting livestock from disease	$ 202,570	$ 202,440
Item 253		
For regulating the sale of economic poisons, a sum sufficient, estimated at	$ 34,500	$ 34,750
It is provided that the amount expended out of this appropriation for regulating the sale of economic poisons shall not exceed the amount paid into the State treasury during the current biennium as proceeds of revenues derived from regulating the sale of economic poisons. It is provided, however, that the unexpended balance at the close of the previous biennium in the inspection fees collected and paid into the State treasury through the enforcement of the Virginia Insecticide, Fungicide and Rodenticide law is hereby reappropriated to the Board of Agriculture and Immigration to be used for regulating the sale of economic poisons.		
Item 254		
For control of hog cholera, a sum sufficient, estimated at	$ 10,000	$ 10,000
It is provided, however, that the amount expended out of this appropriation for control of hog cholera shall not exceed the amount paid into the State		

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	First Year	Second Year
treasury during the current biennium as proceeds from the sale of hog cholera serum.		
Item 256		
For regulating sale of paints, as provided for in Chapter 5.1 of Title 59 of the Code of Virginia	$ 39,765	$ 39,725
Item 257		
For operating regional laboratories	$ 185,370	$ 189,970
Item 258		
For compilation of statistics	$ 18,325	$ 18,465
Item 259		
For testing and study of seeds	$ 95,358	$ 100,548
Item 260		
For crop pest control	$ 131,985	$ 130,245
Item 261		
For regulating the sale of commercial feeds and animal remedies	$ 180,604	$ 182,364
Item 262		
For administration of pure food laws	$ 93,875	$ 95,975
The Board of Agriculture and Immigration is hereby directed to expend out of the appropriation under this title, a sum sufficient to enable the board to perform the work in connection with apple spray residue which is necessary to enable commercial apple growers of this State to meet the requirements of the Federal and State pure food laws.		
Item 263		
For control of Vitamin D milk a sum sufficient, estimated at	$ 8,000	$ 8,000
It is provided, however, that the amount expended out of this appropriation for control of Vitamin D milk shall not exceed the amount paid into the State treasury during the current biennium as proceeds from fees collected for such control.		
Item 264		
For analyzing gasoline and motor oils	$ 39,055	$ 41,745
Item 265		
For administration of fruit grading and inspection	$ 40,800	$ 41,550
Item 266		
For inspection of livestock markets	$ 65,200	$ 65,200
Item 267		
For voluntary apple and peach inspection, to be paid only out of the fees and charges collected and paid into the State treasury for such voluntary apple and peach inspection and not out of the general fund of the State treasury, a sum sufficient, estimated at $57,225 the first year, and $62,425 the second year.		
It is provided, however, that the Commissioner of Agriculture and Immigration, with the approval of the Board of Agriculture and Immigration, shall after hearing, fix fees and other charges for services ren-		

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	First Year	Second Year
dered under this title, and collect the same from those for whom such service is rendered, at an amount sufficient to defray the estimated cost of said inspection service, the same to be paid into the State treasury. It is further provided, that any unexpended portion of the funds derived from said fees and other charges at the close of the previous biennium is hereby reappropriated to the Department of Agriculture and Immigration to be used for the "voluntary apple and peach inspection service" under this title.		
Item 268		
For administration of marketing activities	$ 316,900	$ 328,405
Item 269		
For administration of dairy laws	$ 188,152	$ 213,528
Item 270		
For inspection of gasoline and motor grease measures	$ 66,515	$ 65,475
Item 271		
For inspection of agricultural and other commodities, to be paid only out of the fees and charges collected and paid into the State treasury for such inspection of agricultural and other commodities and not out of the general fund of the State treasury, a sum sufficient, estimated at $801,025 the first year, and $810,910 the second year. It is provided that any unexpended portion of the funds derived from said fees and other charges at the close of the previous biennium are hereby reappropriated to the Division of Markets of the Department of Agriculture and Immigration, to be used for the "inspection of agricultural and other commodities," under this title.		
Item 272		
For enforcement of egg law	$ 23,230	$ 25,540
Item 272-A		
For meat inspection Provided that each establishment inspected shall pay that part of the actual cost of inspection provided it, which is not paid for from this general fund appropriation and such fees are hereby appropriated for this purpose.	$ 87,500	$ 87,500
Item 273		
For appointment and supervision of assistants, deputies, and inspectors to assist in carrying out the weights and measures law of Virginia, to be paid only out of the fees collected for the services of such assistants, deputies, and inspectors, in accordance with the provisions of §§ 59-80 and 59-81 of the Code of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury, the amount of such fees estimated at $9,445 the first year, and $9,650 the second year.		
Item 274		
For market expansion	$ 50,480	$ 51,725

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	First Year	Second Year
Item 275		
For market expansion, to be paid only out of funds received for that purpose from the Federal government, and paid into the State treasury, and not out of the general fund of the State treasury..... each year.	$50,000	
Item 276		
There is hereby reappropriated to the Board of Agriculture and Immigration for administration of pure food laws the unexpended balance at the close of the previous biennium in the special revenues collected and paid into the State treasury for regulation of operation of refrigerator locker plants.		
Total for the Board of Agriculture and Immigration	$ 2,235,919	$ 2,294,255

State Lime Grinding Plant No. 1, at Staunton

Item 277

For maintenance and operation of the State Lime Grinding Plant No. 1, at Staunton..... $97,490 the first year, and $101,590 the second year.

Item 278

For per diem allowance to prisoners, in accordance with the provisions of § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at..... $2,000 each year.

Item 279

All appropriations herein made to the State Lime Grinding Plant No. 1, at Staunton, shall be paid only out of the revenues collected and paid into the State treasury by the said Lime Grinding Plant, and not out of the general fund of the State treasury.

State Lime Grinding Plant No. 2, at Appomattox

Items 280-281

For maintenance and operation of the State Lime Grinding Plant No. 2 at Appomattox, to be paid only out of the revenues derived from the operation of said lime grinding plant, and paid into the State treasury, and not out of the general fund of the State treasury..... $30,000 each year.

Virginia State Apple Commission

Item 282

For promoting the sale and consumption of Virginia apples, to be paid only out of the apple merchandising fund created in accordance with §§ 3-513 through 3-525, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury..... $41,225 the first year, and $39,825 the second year.

Virginia Bright Flue-Cured Tobacco Commission

Item 283

For promoting the sale, consumption, and exportation of Virginia bright flue-cured tobacco, to be paid only out of the Bright Flue-Cured Tobacco Promotion Fund pursuant to the provisions of §§ 3-240 through 3-256 of the Code of Virginia, and not out of the

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	First Year	Second Year
general fund of the State treasury the amount needed from such funds, estimated at.....$9,000 each year.		

Virginia Peanut Commission

Item 284

For promoting the consumption of Virginia peanuts, to be paid only out of the peanut fund created pursuant to the provisions of §§ 3-525.1 through 3-525.19, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury.....$20,000 each year.

MILK COMMISSION

Item 285

For regulating the production and distribution of milk in accordance with the provisions of §§ 3-346 through 3-383, inclusive, of the Code of Virginia, to be paid only out of the revenues collected and paid into the State treasury, in accordance with the provisions of said sections and not out of the general fund of the State treasury .....$146,630 the first year, and $150,000 the second year.

Out of this appropriation the economist member of the Milk Commission, supplementary and in addition to ten dollars per day provided for in § 3-348 of the Code of Virginia, shall be paid an extra compensation of ten dollars per day for each day actually spent in the performance of his official duties.

Item 286

For regulating the production and distribution of milk by the local milk boards, in accordance with the provisions of §§ 3-346 through 3-383, inclusive, of the Code of Virginia, to be paid out of the revenues collected and paid into the State treasury, in accordance with the provisions of said sections and not out of the general fund of the State treasury...$68,870 the first year, and $69,420 the second year.

STATE SOIL CONSERVATION COMMITTEE

Item 287

For State soil conservation.....$	62,710	$ 62,880

Item 288

For State soil conservation, to be paid only out of the special revenues collected by the State Soil Conservation Committee and paid into the State treasury and not out of the general fund of the State treasury the amount of such special revenues, estimated at .....$10,000 each year.

Total for agricultural agencies.....$	2,298,629	$ 2,357,135

BOARD OF COMMISSIONERS OF THE VIRGINIA STATE PORTS AUTHORITY

Item 289

For the exercise and administration by the Board of Commissioners of the Virginia State Ports Authority of

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	First Year	Second Year
the powers and duties conferred upon and vested in the said Board of Commissioners by the Act of the General Assembly of 1952 creating the said Virginia State Ports Authority, or by other provision of law	$ 471,400	$ 478,500
It is provided that out of this appropriation the Virginia State Ports Authority may, in its discretion and with the written approval of the Chairman of the said Authority, expend for such expenses in connection with promotional activities as are commonly borne by business organizations a sum not to exceed $3,300 each year.		

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Item 290

For expenses of administration of the Department of Conservation and Economic Development	$ 43,707	$ 43,427
Out of this appropriation the following salary shall be paid:		
Director $12,500		

Item 291

For public relations and advertising	$ 501,940	$ 501,450
Out of this appropriation there is hereby appropriated:		
For advertising and dissemination of information related to Virginia's resources generally, and to the attraction of industry to Virginia and for industrial promotion ..... $450,000 each year; provided that no part of this appropriation shall be available for expenditure except with the prior approval of the Governor in writing.		
It is provided that from the appropriation listed immediately above such sums as are deemed necessary by the Director of the Department and approved by the Governor may be expended for analyzing the effectiveness of the advertising expenditures.		

Item 291-A

For personal service for research and promotional assistance in the development and conservation of Virginia's salt water sport fishing resources	$ 15,000	$ 15,000

Item 292

For maintenance and operation of the Southwest Virginia Museum	$ 5,150	$ 5,450

Item 293

For maintenance and operation of the Southwest Virginia Museum in the town of Big Stone Gap, to be paid only out of funds donated for that purpose, or otherwise obtained, without cost to the State of Virginia and paid into the State treasury and not out of the general fund of the State treasury ..... $5,000 each year.		

Item 294

For operation of Virginia War Memorial Carillon and Museum	$ 3,400	$ 2,900

Item 295

For operation of State Parks	$ 261,250	$ 265,250
Out of this appropriation not more than $2,400 each year is hereby appropriated to employ a care-		

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	First Year	Second Year
taker for the Hillsman House at Saylor's Creek Battlefield Park.		
Item 295-A		
The Department of Conservation and Economic Development is authorized to assist in advertising the Claytor Lake Festival and to utilize its personnel, funds and facilities in aiding the operation of such festival. The Department is further authorized to require all contractors for concessions at such festival to reserve or set aside a portion of the proceeds realized from such concessions for use in defraying the expenses of operating such festival, the percentage of such proceeds which is to be so reserved or set aside to be determined by the Department.		
Item 296		
For exhibiting museum collection	$ 3,315	$ 3,525
Item 297		
For maintenance of improvements constructed by civilian conservation corps	$ 83,375	$ 96,710
Item 298		
For administration and protection of State forests, to be paid only out of the special revenues collected or received for the administration and protection of State forests, and paid into the State treasury to the credit of said Department, the amount of said special revenues, estimated at $61,020 the first year, and $61,950 the second year.		
It is further provided that any unexpended balance at the close of the previous biennium, in the special revenues collected or received for the administration and protection of State forests are hereby reappropriated to the Department of Conservation and Economic Development to be used for the purposes stated in this item.		
Item 299		
For forestry service to landowners	$ 153,475	$ 160,375
Item 300		
For forestry service to landowners, to be paid only out of special revenues collected or received for furnishing the said forestry service to landowners, and paid into the State treasury, and not out of the general fund of the State treasury $53,000 **each year.**		
Item 301		
For protection and development of forest resources, in accordance with law	$ 443,700	$ 470,700
Item 302		
It is provided that the Department of Conservation and Economic Development may expend, for protection and development of forest resources of the State in accordance with law the special revenues collected or received for the protection and development of such forest resources, from Federal aid and other sources, and paid into the State treasury, to the credit of said Department, estimated at $643,200 the first year, and $623,200 the second year.		

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	First Year	Second Year
Item 303		
For investigation and control of forest pests	$ 33,215	$ 33,720
Item 304		
For mineral resources investigation	$ 144,000	$ 141,600
It is provided that during the current biennium, no part of this appropriation may be paid to any Federal agency or activity for joint operation of geological surveys.		
It is further provided that no funds may be allotted from this appropriation without the prior written approval of the Governor.		
Item 304-A		
For ground water resources investigation	$ 25,000	$ 25,000
Item 305		
For topographical mapping in cooperation with the United States Geological Survey	$ 40,000	$ 40,000
Item 306		
For water resources investigation	$ 132,450	$ 136,350
It is hereby provided that the salary of the Commissioner of Water Resources shall be paid entirely out of the general fund of the State treasury, and that the said Commissioner shall receive no compensation from the Federal government.		
It is provided that the Department of Conservation and Economic Development may, with the approval of the Governor, expend for water resource investigation —stream gaging—the special revenues collected or received and paid into the State treasury to the credit of the said Department.		
It is further provided that during the current biennium, no part of this appropriation may be paid to any Federal agency or activity for joint operation of water resources investigations.		
It is further provided that no funds may be allotted from this appropriation without the prior written approval of the Governor.		
Item 307		
For planning and economic development	$ 152,800	$ 149,800
Out of this appropriation of $152,800 there is hereby appropriated for continuation of the work of the Industrial Development Study Commission $4,000.		
Item 308		
For Advisory Council on the Virginia Economy	$ 4,000	$ 4,000
Item 309		
There is hereby reappropriated for study of Virginia economy any unexpended balance in the State treasury at the close of the previous biennium, as proceeds of gifts, donations, and grants heretofore received and paid into the State treasury for the said study of Virginia economy.		
Total for the Department of Conservation and Economic Development	$ 2,045,777	$ 2,095,257

VIRGINIA WORLD WAR II MEMORIAL COMMISSION

Item 309-A		
For administration expenses of the Virginia World War II Memorial Commission	$ 2,000	$ 2,000

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BOARD OF REGENTS, GUNSTON HALL

	First Year	Second Year
Item 310		
For maintenance of Gunston Hall	$ 41,700	$ 41,700
Item 311		
For maintenance of Gunston Hall, to be paid only out of the special revenues collected and paid into the State treasury, for the maintenance of Gunston Hall, and not out of the general fund of the State treasury $9,250 the first year, and $9,500 the second year.		

STATE WATER CONTROL BOARD

Item 312		
For control, prevention and abatement of pollution in State waters	$ 127,280	$ 129,900

POTOMAC RIVER BASIN COMMISSION OF VIRGINIA

Item 313		
For control and abatement of pollution in the Potomac River Basin in accordance with the provisions of §§ 62-62 through 62-67, inclusive, of the Code of Virginia	$ 4,800	$ 4,800

OHIO RIVER VALLEY WATER SANITATION COMMISSION

Item 314		
For control and abatement of pollution in Ohio River Basin water	$ 4,875	$ 4,875

COMMISSION OF FISHERIES

Item 315		
For expenses of administration of the Commission of Fisheries	$ 44,000	$ 44,700
Out of this appropriation the following salary shall be paid: Commissioner $11,500		
Item 316		
For protection of oyster beds and fish	$ 315,000	$ 319,200
Out of this appropriation there is hereby appropriated: For new equipment $500 each year.		
Item 317		
For repletion of oyster beds	$ 143,800	$ 144,000
It is hereby provided that all planting of oyster shells for repletion of oyster beds herein authorized shall be carried on by the Commission of Fisheries only with the advice of, and in cooperation with, the Virginia Fisheries Laboratory.		
Total for the Commission of Fisheries	$ 502,800	$ 507,900

POTOMAC RIVER FISHERIES COMMISSION

Item 317-A		
For the Commonwealth of Virginia's appropriation to the Commission in accordance with the provisions of the Potomac River Compact, to be released by the Governor upon the formation of the Commission	$	$ *50,000*

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ATLANTIC STATES MARINE FISHERIES COMMISSION

	First Year	Second Year
Item 318		
For improving the utilization of Atlantic seaboard fisheries	$ 2,500	$ 2,500

VIRGINIA FISHERIES LABORATORY

Item 319		
For maintenance and operation of the Virginia Fisheries Laboratory in accordance with the provisions of §§ 28-248 through 28-253, inclusive, of the Code of Virginia	$ 181,455	$ 177,205
Items 320-321		
For hydrographic and biological study of the Chesapeake Bay	$ 30,000	$ 30,000
Total for the Virginia Fisheries Laboratory	$ 211,455	$ 207,205

COMMISSION OF GAME AND INLAND FISHERIES

Items 322-323

For administration of the laws relating to game and inland fisheries ..... $2,278,880 the first year, and $2,359,190 the second year.

Item 324

It is hereby provided that all monies, fees and revenues collected by the Commission of Game and Inland Fisheries shall, upon receipt thereof, be paid promptly into the State treasury to the credit of the game protection fund and unexpended balances in such revenues from the previous biennium shall be transferred to said fund, and all appropriations made to the Commission of Game and Inland Fisheries as provided in this act, shall be paid out of the game protection fund, and not out of the general fund of the State treasury.

Item 325

In the event the Federal government should make available additional funds for game and fish work, such additional funds as are allocated to Virginia may be expended, subject to the approval of the Governor, for the lease and purchase of areas for refuges, wild life habitat demonstration, and research, public hunting and fishing grounds, structures, and for operating expenses in connection therewith.

DEPARTMENT OF HIGHWAYS

State Highway Commission

Item 326

For the State Highway Commission, for supervising the State highway system, in accordance with law, to be paid only from the proceeds of the tax on motor vehicle fuels, segregated by law to the State highway system, a sum sufficient, estimated at ..... $12,900 the first year, and $13,115 the second year.

Out of this appropriation members of the State Highway Commission, except the chairman, shall receive a per diem of $20 each, not exceeding ..... $1,500 in any one year.

Item 327

For expenses of administration of the State Highway Commission and for engineering to be paid only from

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	First Year	Second Year

the proceeds of the tax on motor vehicle fuels segregated by law to the State highway system.....$4,787,000 the first year, and $4,882,000 the second year.

Out of this appropriation the following salary shall be paid:

State highway commissioner.....$17,000

Item 328

For construction and reconstruction of State highways, for meeting Federal aid and for providing equipment and facilities necessary thereto, the proceeds of the tax on motor vehicle fuels, motor vehicle registration fees, motor bus licenses, and other revenues segregated by law for the construction and reconstruction of State highways, after the payment therefrom of any appropriations and transfers made by this act payable from the proceeds of said taxes; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at .....$28,367,500 the first year, and $31,563,500 the second year.

Item 329

For regulating outdoor advertising, in accordance with the provisions of §§ 33-298 to 33-324, inclusive, of the Code of Virginia, to be paid only out of the money collected and paid into the State treasury as provided by § 33-308 of the Code of Virginia, and not out of the highway maintenance and construction fund, nor out of the general fund of the State treasury, anything in the provisions of § 33-322 of the Code of Virginia to the contrary notwithstanding .....$40,000 each year.

Item 330

It is provided, further, that the State Highway Commission may expend for construction, reconstruction and maintenance of the highways in the interstate, primary, urban, and secondary systems the amount received from the Federal government and paid into the State treasury for such construction, reconstruction and maintenance, estimated at...$40,000,000 the first year, and $50,000,000 the second year.

Item 331

For maintenance of State highways, to be paid only from the proceeds remaining from the special taxes segregated by law to the maintenance of State highways, and not out of the general fund of the State treasury; and provided, further, that the State Highway Commission may, in its discretion, first set aside, out of this appropriation, the amount, in its judgment, necessary for the maintenance of the roads and bridges in the State highway system, and expend, in its discretion, the balance of said fund for construction or reconstruction of roads and bridges in the State highway system.....$10,500,000 the first year, and $11,000,000 the second year.

Items 332-333

For maintenance and improvement, including construc-

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First Year Second Year

tion and reconstruction, of the secondary system of State highways, to be paid only out of the proceeds of the motor vehicle fuel tax, and not out of the general fund of the State treasury.....$33,000,000 the first year, and $33,500,000 the second year.

Item 334

For construction and maintenance of city streets, to be paid only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury.....$7,618,000 the first year, and $8,385,000 the second year.

Item 335

For acquisition of land for use in the development of the George Washington Memorial Parkway in Virginia, to be paid only out of highway funds allocated by the State Highway Department to the primary State highway construction fund for the district in which the said Memorial Parkway is located, and not out of the general fund of the State Treasury, the amount of $305,000.

It is provided that this appropriation may be expended with the approval of the Governor and the State Highway Commission, for the acquisition by purchase, gift or condemnation of lands lying within the State of Virginia and within the boundaries of the proposed George Washington Memorial Parkway from the present terminus of the Parkway to the proposed Virginia-Washington Circumferential roadway at Cabin John in Fairfax County, Virginia, and no further. This appropriation being based on an estimate submitted to the Department of Officials of the National Capitol Park Planning Commission. It is further provided that this appropriation, with the approval of the Governor and the State Highway Commission, may be expended directly for the acquisition of such lands, or the Governor may place the entire appropriation, or any part thereof, at the disposal of the United States of America, for the acquisition of the said lands for the establishment of the proposed George Washington Memorial Parkway.

It is further provided, however, that this appropriation shall be expended or placed at the disposal of the United States of America or its duly authorized officers or agents for the acquisition of said lands only when satisfactory proof is furnished the Governor that an equivalent sum has been provided for the same purpose by the political subdivisions adjacent to the proposed George Washington Memorial Parkway; and provided, further, that this appropriation is not to be considered as obligating the State to make further appropriations for the establishment of the aforesaid Parkway except as future General Assemblies may deem it wise to do so.

Item 336

For a joint hydraulic study, to be paid only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury .....$4,000 each year.

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First Year Second Year

Item 337

For maintenance and operation of toll facilities, to be paid in accordance with the provisions of §§ 33-227 through 33-255, inclusive, of the Code of Virginia, provided that no part of this appropriation shall be paid out of the general fund of the State treasury.....$6,175,000 the first year, and $6,375,000 the second year.

It is hereby provided that out of this appropriation shall be paid the amount required for interest and sinking fund requirements on the revenue bonds issued by the State Highway Commission for the acquisition of toll facilities, estimated at.....$4,329,400 the first year, and $4,489,400 the second year.

Total for the State Highway Commission from special funds.....$130,504,400 the first year, and $145,762,615 the second year.

Central Garage

Item 338

For maintenance and operation of a Central Garage, in accordance with the provisions of § 2-42 of the Code of Virginia, to be paid only out of the revenues, costs and charges collected from the operation of said Central Garage under the provisions of § 2-42 of the Code of Virginia, and paid into the State treasury as required by the said section, provided that no part of this appropriation shall be paid out of the general fund of the State treasury, the amount of such revenues, costs and charges estimated at .....$1,044,225 the first year, and $1,074,270 the second year.

DEPARTMENT OF PUBLIC HEALTH

State Board of Health

It is provided that the amounts estimated and set forth in Items 340, 343, 347, 349, 357, 359, 361, 363, 365, 369, 371, 373, 374, and 375 are appropriated from special revenues collected or received for the use of the State Board of Health and paid into the State treasury, and such amounts shall not be paid from the general fund of the State treasury.

Item 339

For expenses of administration of the State Board of Health ..... $ 119,850 $ 121,575

Out of this appropriation the following salary shall be paid:

State health commissioner $17,000

Item 340

For expenses of administration.....$105,245 the first year, and $105,520 the second year, from special revenues.

Item 341

For health education ..... $ 40,000 $ 40,450

Item 342

For collection and publication of vital statistics..... $ 306,890 $ 310,590

Item 343

For collection and publication of vital statistics.....$3,745 each year, from special revenues.

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	First Year	Second Year
Item 344		
For sanitary engineering	$ 121,515	$ 123,015
It is provided that out of this appropriation there is hereby appropriated: For Hampton Roads Sanitation District Commission, for sewage prevention and control $5,000 each year.		
Item 345		
For shellfish inspection and sanitation	$ 99,685	$ 102,685
Item 346		
For industrial hygiene	$ 32,250	$ 33,250
Item 347		
For industrial hygiene, to be paid from the fund for the administration of the Workmen's Compensation Act $16,000 each year.		
Item 348		
For prevention of tuberculosis	$ 614,325	$ 543,825
It is provided that out of this appropriation there is hereby appropriated: For the surgical treatment of tuberculosis, each year $98,000 For aid to local tuberculosis sanatoria $219,000 the first year, and $146,000 the second year.		
Item 349		
For prevention of tuberculosis $112,300 each year, from special revenues.		
Item 350		
For tuberculosis diagnosis, surgery, and hospitalization at the Ennion G. Williams Hospital, Medical College of Virginia	$ 911,900	$ 912,200
Item 351		
For control of venereal diseases	$ 57,960	$ 58,360
Item 352		
For control of epidemics	$ 58,200	$ 58,890
Item 353		
For malaria and mosquito control	$ 97,540	$ 99,740
It is provided that out of this appropriation there is hereby appropriated: For contribution by the State Board of Health to mosquito control commissions established in accordance with law, not exceeding $67,000 the first year, and $68,700 the second year. It is further provided that contributions by the State Board of Health out of this appropriation to any mosquito control commission shall not exceed 25 per cent of the gross amount obtained by such commission from other sources.		
Item 354		
For administration of Merit System	$ 14,500	$ 14,500
Item 355		
For personnel training	$ 9,000	$ 9,000
Item 356		
For medical and nursing facilities services	$ 96,285	$ 100,285

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	First Year	Second Year
Item 357		
For medical and nursing facilities services.....$3,600 each year from special revenues.		
Item 358		
For cancer control.....	$ 36,310	$ 36,410
Item 359		
For cancer control.....$46,100 each year, from special revenues.		
Item 360		
For inspection of hotels, tourist and food establishments...	$ 133,225	$ 135,225
Item 361		
For administration of Virginia bedding law.....$38,930 the first year, and $39,430 the second year, from special revenues.		
Item 362		
For maternal and child health.....	$ 81,495	$ 83,010
Item 363		
For maternal and child health.....$443,605 the first year, and $444,090 the second year, from special revenues.		
Item 364		
For crippled children's service.....	$ 239,745	$ 243,170
Item 365		
For crippled children's service.....$385,755 the first year, and $386,330 the second year, from special revenues.		
Item 366		
For nursing scholarships, to provide scholarships pursuant to §§ 23-35.9 through 23-35.13, Code of Virginia, and to provide scholarships to train teachers of nurses subject to the conditions of acceptance stated in these cited sections	$ 20,000	$ 20,000
Item 367		
For operation of laboratories.....	$ 189,830	$ 193,830
Item 368		
For study, care, treatment, research and rehabilitation of alcoholics, as provided by law.....	$ 200,180	$ 208,980
Item 369		
For study, care, treatment and rehabilitation of alcoholics, as provided by law.....$44,500 each year, from special revenues.		
Item 370		
For post-mortem examinations.....	$ 180,460	$ 175,460
Item 371		
For providing bodies for scientific study.....$11,855 the first year, and $12,145 the second year, from special revenues.		
Item 372		
For local health services.....	$ 2,816,155	$ 2,856,385

It is provided that such part of this appropriation

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	First Year	Second Year
as may be expended in providing medical services to persons requiring the same shall be expended under rules and regulations adopted jointly by the State Board of Health and the governing body of the county or city paying a portion of the cost of such service; such rules and regulations shall be so devised and administered as to ensure that such medical services will be rendered only to the indigent or medically indigent.		
Item 373		
For local health services.....$ 1,349,445 the first year, and $1,363,915 the second year, from special revenues.		
Items 374-375		
For study of heart diseases.....$48,600 each year, from special revenues.		
Total for the State Board of Health.....	$ 6,477,300	$ 6,480,835
Blue Ridge Sanatorium, at Charlottesville		
Item 376		
For maintenance and operation of the Blue Ridge Sanatorium, at Charlottesville.....	$ 1,051,665	$ 1,062,795
Item 377		
For maintenance and operation of the Blue Ridge Sanatorium, at Charlottesville, to be paid only out of the special revenues collected or received for the use of said Blue Ridge Sanatorium and paid into the State treasury, and not out of the general fund of the State treasury .....$110,150 each year.		
Catawba Sanatorium, Near Salem		
Item 378		
For maintenance and operation of the Catawba Sanatorium, near Salem.....	$ 768,405	$ 787,480
Item 379		
For maintenance and operation of the Catawba Sanatorium, near Salem, to be paid only out of the special revenues collected or received for the use of said Catawba Sanatorium, and paid into the State treasury, and not out of the general fund of the State treasury .....$72,500 each year.		
Piedmont Sanatorium, at Burkeville		
Item 380		
For maintenance and operation of the Piedmont Sanatorium, at Burkeville.....	$ 1,052,460	$ 1,061,270
Items 381-382		
For maintenance and operation of the Piedmont Sanatorium, at Burkeville, to be paid only out of the special revenues collected or received for the use of said Piedmont Sanatorium, and paid into the State treasury, and not out of the general fund of the State treasury .....$16,500 each year.		
Total for the Department of Health.....	$ 9,349,830	$ 9,392,380

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DEPARTMENT OF WELFARE AND INSTITUTIONS

Central Activities

It is provided that the amounts estimated and set forth in Items 384, 386, 388, 393, 395, 397 and 400 are appropriated from special revenues collected or received for the use of the Department of Welfare and Institutions and paid into the State treasury, and such amounts shall not be paid from the general fund.

	First Year	Second Year
Item 383		
For expenses of administration of the Department of Welfare and Institutions	$ 163,950	$ 158,835
Out of this appropriation shall be paid the following salary:		
Commissioner $12,500		
Item 384		
For expenses of administration $135,000 the first year, and $138,000 the second year, from special revenues.		
Item 385		
For general welfare activities	$ 221,475	$ 225,690
Item 386		
For general welfare activities $199,330 the first year, and $200,885 the second year, from special revenues.		
Item 387		
For youth service activities	$ 207,570	$ 213,025
Item 388		
For youth service activities $100,670 the first year, and $99,115 the second year, from special revenues.		
Item 389		
For correction activities	$ 64,820	$ 65,980
Item 390		
For parole activities	$ 577,900	$ 608,100
Out of this appropriation the following salaries shall be paid:		
Director of Parole $11,000		
Member of Board $11,000		
Member of Board $11,000		
It is provided that the limitation of $1,300 heretofore applicable to the maximum expenses of probation and parole officers be continued in the same amount.		
Item 391		
For administration of Merit System	$ 10,500	$ 10,500
Item 392		
For old age assistance	$ 1,266,800	$ 1,240,000
Item 393		
For old age assistance $4,942,000 the first year, and $4,837,200 the second year, from special revenues.		
Item 394		
For aid to dependent children	$ 1,143,200	$ 1,162,600

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	First Year	Second Year
Item 395		
For aid to dependent children.....$6,336,700 the first year, and $6,444,250 the second year, from special revenues.		
Item 396		
For aid to the permanently and totally disabled.....	$ 625,500	$ 645,700
Item 397		
For aid to the permanently and totally disabled...$2,104,000 the first year, and $2,297,000 the second year, from special revenues.		
Item 398		
For general relief.....	$ 570,500	$ 570,500
Item 399		
For administration and services.....	$ 820,800	$ 870,000
The appropriation made by this item and by Item 400 shall be expended, under regulations of the State Board of Welfare and Institutions, to reimburse county and city public welfare boards pursuant to § 63-106 of the Code of Virginia and, subject to the same percentage limitations, for other administrative services performed by county and city public welfare boards and superintendents of public welfare pursuant to other provisions of the Code of Virginia.		
Item 400		
For administration and services.....$1,003,250 the first year, and $1,063,450 the second year, from special revenues.		
Item 401		
For foster care for children.....	$ 1,103,000	$ 1,171,000
The State Board of Welfare and Institutions shall ascertain the amount of expenditures so made and the Commissioner shall monthly reimburse each county and city public welfare board in an amount not less than 50 per cent, nor more than 62½ per cent, for boarding of children under care pursuant to §§ 63-73, 63-96, 16.1-178(2), 16.1-210, and 16.1-211, of the Code of Virginia.		
Item 402		
For hospitalization of the indigent and medically indigent...	$ 957,000	$ 957,000
This appropriation of $957,000 each year shall be expended in accordance with the provisions of Chapter 15 of Title 32 of the Code of Virginia, as amended. Seven hundred and fifty thousand ($750,000) dollars shall be allocated to the counties and cities on the basis of population and the remainder shall be set aside as a reserve fund for expenditure as provided in said Chapter.		
Item 403		
For reimbursing in an amount of 50 per cent for expenditures made by Juvenile and Domestic Relations Courts in counties and cities for salaries of probation officers appointed in the manner provided for, and pursuant to § 16.1-206 of the Code of Virginia.....	$ 192,000	$ 199,600
Item 404		
For support of feeble-minded children.....	$ 19,500	$ 19,500

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	First Year	Second Year
Item 405		
For in-service training for Welfare personnel and for scholarships	$ 17,000	$ 17,000
Item 405-A		
For support of children committed to the State Board of Welfare and Institutions, from funds and balances of funds made available for such children by parents or other persons, insurance, or other sources, and not out of the general fund of the State treasury, pursuant to § 63-293.2 of the Code of Virginia, a sum sufficient.		
Item 406		
There is hereby reappropriated out of the unexpended balance in the fund for Shenandoah National Park Family Removal Project, the sum of $5,000 for each year of the current biennium for continuation of the said Shenandoah National Park Family Removal Project.		
Item 407		
For expenditure pursuant to the provisions of §§ 63-109 to 63-111, inclusive, of the Code of Virginia, all monies deducted from funds otherwise payable out of the State treasury to the counties and cities pursuant to the provisions of §§ 63-135 and 63-136, and §§ 63-157 and 63-158 of the Code of Virginia.		
Item 408		
It is hereby expressly provided that none of the provisions of any item of this act, nor of any item or provision of any other act or statute of this State heretofore enacted, or enacted at this session of the General Assembly, shall be interpreted or construed as authorizing the Department of Welfare and Institutions, or any other agency of the State, or of any of its political subdivisions, to make any expenditure of State funds, or to receive or be paid any reimbursement from any State funds or out of any funds in the State treasury, save out of funds actually appropriated for that purpose; nor shall any appropriation or legislative enactment of this or any preceding session of the General Assembly be considered or construed as imposing any obligation whatsoever, moral or legal, upon this General Assembly, or upon any future General Assembly, to make additional appropriation or provide reimbursement funds for localities or for any other purpose in connection with the Department of Welfare and Institutions save the funds actually appropriated for such purpose or purposes at this session.		
Total for Central Activities	$ 7,961,515	$ 8,135,030
Bon Air School for Girls, at Bon Air		
Item 409		
For maintenance and operation of the Bon Air School for Girls, at Bon Air	$ 233,780	$ 240,430
Beaumont School for Boys, at Beaumont		
Item 410		
For maintenance and operation of the Beaumont School for Boys, at Beaumont	$ 447,415	$ 455,035

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Janie Porter Barrett School for Girls, at Peaks

Item 411	First Year	Second Year
For maintenance and operation of the Janie Porter Barrett School for Girls, at Peaks	$ 192,280	$ 192,655

Hanover School for Boys, at Hanover

Item 412		
For maintenance and operation of the Hanover School for Boys, at Hanover	$ 397,250	$ 407,550

Study Home for White Boys

Item 413		
For maintenance and operation of the Study Home for White Boys, in Chesterfield County	$ 86,205	$ 87,245

The Penitentiary, at Richmond

Item 414

For maintenance and operation of the Penitentiary, at Richmond ..... $ 1,396,120 $ 1,406,690

Out of this appropriation there is hereby appropriated:

For per diem allowance to prisoners a sum sufficient, estimated at ..... $68,000 each year.

Item 415

For transportation of prisoners ..... $ 8,500 $ 8,500

Total for the Penitentiary, at Richmond ..... $ 1,404,620 $ 1,415,190

The Penitentiary, at Richmond, Industrial Department

Item 416

For maintenance and operation of the industrial department of the Penitentiary, at Richmond, to be paid only out of the special revenues collected or received from the operation of said industrial department and paid into the State treasury and not out of the general fund of the State treasury, a sum sufficient, estimated at ..... $2,114,150 the first year, and $2,252,400 the second year.

State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm

Item 417

For maintenance and operation of the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm ..... $ 1,289,680 $ 1,272,705

Out of this appropriation there is hereby appropriated:

For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at ..... $48,000 the first year, and $50,000 the second year.

It is hereby provided that the appropriations herein made for the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, are inclusive of all funds which the said State Penitentiary Farm and State Prison Farm for Defective Misdemeanants would otherwise be entitled to receive during each year of the current biennium, for the purposes stated in the said items, either out of the

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	First Year	Second Year
appropriation for criminal charges or otherwise out of the general fund of the State treasury, any provisions of § 53-98 of the Code of Virginia to the contrary notwithstanding.		
Southampton Penitentiary Farm, at Capron		
Item 418		
For maintenance of the prison department	$ 403,670	$ 409,765
Out of this appropriation there is hereby appropriated:		
For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $19,000 each year.		
Item 419		
For operation of farm	$ 95,400	$ 91,900
Item 420		
For operation of brick and solite plants	$ 8,640	$ 8,640
Total for Southampton Penitentiary Farm, at Capron	$ 507,710	$ 510,305
State Industrial Farm for Women, at Goochland		
Item 421		
For treatment and care of delinquent women	$ 571,320	$ 598,895
Out of this appropriation there is hereby appropriated:		
For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $15,000 each year.		
It is hereby provided that the appropriation herein made for the State Industrial Farm for Women by this item is inclusive of all funds which the said State Industrial Farm for Women would otherwise be entitled to receive during each year of the current biennium for the purposes stated in the said items, either out of the appropriation for criminal charges or otherwise out of the general fund of the State treasury, any provisions of § 53-98 of the Code of Virginia to the contrary notwithstanding.		
Item 422		
For board and care of infant children of inmates of the State Industrial Farm for Women	$ 1,500	$ 1,500
Item 422-A		
For operation of greenhouse	$ 10,340	$ 10,340
Item 423		
For maintenance and operation of central laundry number 1, a sum sufficient, estimated at	$ 144,400	$ 146,500
Total for State Industrial Farm for Women, at Goochland	$ 727,560	$ 757,235
Bland Correctional Farm, at White Gate		
Item 424		
For maintenance of the prison department	$ 344,858	$ 347,936
Out of this appropriation there is hereby appro-		

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	First Year	Second Year
priated: For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at ..... $15,400 each year.		
Item 425 For operation of farm	$ 63,585	$ 66,715
Item 426 For operation of lime plant, to be paid only out of the special revenues derived from the operation of the lime plant and paid into the State treasury and not out of the general fund of the State treasury.... $15,460 the first year, and $15,585 the second year.		
Total for Bland Correctional Farm, at White Gate	$ 408,443	$ 414,651

Item 427

No assignment to any person or persons, firm, company, corporation, or agency whatsoever, made by any inmate of a State penal institution, of any money or credit received by such inmate, or to which he may become entitled under this act, as a per diem allowance for work performed by such inmate, shall be valid, and any such assignment is hereby expressly prohibited.

State Convict Road Force

Item 428

For the work of the State Convict Road Force, in accordance with the applicable provisions of § 53-58, §§ 53-61 through 53-73, inclusive, §§ 53-100 through 53-123, inclusive, and § 53-109, § 53-109.1, and § 53-221, of the Code of Virginia, to be paid only out of the money paid to the Director of the Department of Welfare and Institutions by the State Highway Commissioner for the labor of convicts employed on the State highway primary and secondary systems and work incidental thereto, including relocation and moving of Convict Road Camps, at local hourly rates for such labor, determined in accordance with the provisions of the aforesaid § 53-109.1 of the Code of Virginia, said payments to be made only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury, a sum sufficient, estimated at ..... $2,794,500 each year.

Item 429

For maintenance and operation of the State Convict Road Force, to be paid only out of revenues collected by the State Convict Road Force in addition to revenues received from the Department of Highways, and not out of the general fund of the State treasury, a sum sufficient, estimated at ..... $249,565 the first year, and $289,325 the second year.

Item 430

All revenues collected from any source by the State Convict Road Force shall be paid promptly and direct-

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	First Year	Second Year
ly into the State Convict Road Force maintenance fund; any funds remaining to the credit of the State Convict Road Force maintenance fund at the close of the biennium shall be paid into the State highway maintenance and contribution fund.		
Total for the Department of Welfare and Institutions	$13,656,458	$13,888,031

VIRGINIA COMMISSION FOR THE VISUALLY HANDICAPPED

Item 431

For expenses of administration of the Virginia Commission for the Visually Handicapped ..... $ 42,700 $ 39,600

Item 432

For conservation of vision and rehabilitation ..... $ 160,300 $ 162,600

Item 433

For conservation of vision and rehabilitation, to be paid only out of special revenues to be collected by Virginia Commission for the Visually Handicapped, and paid into the State treasury, and not out of the general fund of the State treasury ..... $50,000 each year.

Item 434

For operation of workshop for the blind ..... $ 48,500 $ 52,100

Item 435

For operation of workshop for the blind, to be paid only out of special revenues derived from the operation of said shop and paid into the State treasury, and not out of the general fund of the State treasury, the amount of such special revenues estimated at ..... $264,000 each year.

Item 436

For aid to the blind ..... $ 163,950 $ 164,300

Item 437

For aid to the blind, to be paid only out of funds received from the Federal government for aid to the blind, and paid into the State treasury, and not out of the general fund of the State treasury, estimated at ..... $564,000 the first year, and $565,000 the second year.

Item 438

For vocational rehabilitation of the blind ..... $ 40,500 $ 40,700

Item 439

For vocational rehabilitation of the blind, to be paid only out of funds received from the Federal government for such vocational rehabilitation, and paid into the State treasury, and not out of the general fund of the State treasury ..... $80,900 the first year, and $81,400 the second year.

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	First Year	Second Year
Item 440		
For expenditure pursuant to the provisions of § 63-108 of the Code of Virginia, all monies deducted from funds otherwise payable out of the State treasury, to the counties and cities pursuant to the provisions of §§ 63-199 and 63-200, of the Code of Virginia, and all monies paid into the State treasury pursuant to § 63-193 of the Code of Virginia.		
Total for the Virginia Commission for the Visually Handicapped	$ 455,950	$ 459,300

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

State Hospital Board

Item 441		
For general supervision, administration and control of the several State mental hospitals and the State training schools and hospitals	$ 206,770	$ 206,700
It is hereby provided, with the approval of the Governor first obtained, that out of this appropriation a sum not to exceed $10,000 each year may be expended to conduct research in mental health.		
Out of this appropriation the following salary shall be paid:		
Commissioner of mental hygiene and hospitals $17,000		
Item 442		
For mental hygiene clinics	$ 393,000	$ 391,000
Item 443		
For mental hygiene clinics to be paid only out of special revenues, including Federal aid, collected and paid into the State treasury for the said mental hygiene clinics, and not out of the general fund of the State treasury $400,000 the first year, and $415,000 the second year.		
Item 444		
It is hereby provided that the appropriations herein made by Items 442 and 443 for mental hygiene clinics shall not be available for expenditure, either in whole or in part, unless the amounts allocated to the various mental hygiene clinics are based, as nearly as practicable, on a uniform ratio, for each clinic, of State and Federal funds combined to local funds.		
Item 445		
For operation of Mobile Psychiatric Clinic	$ 50,300	$ 50,600
Item 446		
For collecting cost of care and treatment of patients	$ 89,400	$ 89,250
Total for the State Hospital Board	$ 739,470	$ 737,550

Central State Hospital, at Petersburg

Item 447		
For maintenance and operation of the Central State Hospital, at Petersburg	$ 5,182,940	$ 5,251,560
Item 448		
For providing meals for staff and employees	$ 27,000	$ 27,000
Total for the Central State Hospital, at Petersburg	$ 5,209,940	$ 5,278,560

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Petersburg Training School and Hospital, at Petersburg

Item 449	First Year	Second Year
For maintenance and operation of the Petersburg Training School and Hospital, at Petersburg	$ 304,590	$ 534,880
Item 450		
For providing meals for staff and employees	$ 955	$ 1,520
Total for the Petersburg Training School and Hospital, at Petersburg	$ 305,545	$ 536,400

Eastern State Hospital, at Williamsburg

Item 451		
For maintenance and operation of the Eastern State Hospital, at Williamsburg	$ 2,770,320	$ 2,827,680
Item 452		
For providing meals for staff and employees	$ 37,200	$ 37,670
Total for the Eastern State Hospital, at Williamsburg	$ 2,807,520	$ 2,865,350

Southwestern State Hospital, at Marion

Item 453		
For maintenance and operation of the Southwestern State Hospital, at Marion	$ 1,955,320	$ 1,994,960
It is provided that out of this appropriation there is hereby appropriated: For payment to Fire Department of Town of Marion $180		
Item 454		
For providing meals for staff and employees	$ 30,000	$ 30,000
Total for the Southwestern State Hospital, at Marion	$ 1,985,320	$ 2,024,960

Western State Hospital, at Staunton

Item 455		
For maintenance and operation of the Western State Hospital, at Staunton	$ 3,355,745	$ 3,540,200
Item 456		
For providing meals for staff and employees	$ 45,000	$ 45,000
Total for the Western State Hospital, at Staunton	$ 3,400,745	$ 3,585,200

DeJarnette State Sanatorium, at Staunton

Item 457

For maintenance and operation of the DeJarnette State Sanatorium, at Staunton, in accordance with the provisions of §§ 37-17 as amended and 37-18 through 37-22, inclusive, of the Code of Virginia, to be paid only out of the special revenues collected or received from the operation of said sanatorium and paid into the State treasury, and not out of the general fund of the State treasury $498,300 the first year, and $503,600 the second year.

Lynchburg Training School and Hospital, at Colony

Item 458		
For maintenance and operation of the Lynchburg Training School and Hospital, at Colony	$ 3,267,350	$ 3,327,385

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	First Year	Second Year
Item 459		
For providing meals for staff and employees	$ 29,500	$ 29,500
Total for the Lynchburg Training School and Hospital, at Colony	$ 3,296,850	$ 3,356,885
Total for the Department of Mental Hygiene and Hospitals	$17,745,390	$18,384,905

MISCELLANEOUS ACTIVITIES

Virginia Historical Society (Battle Abbey), at Richmond

Item 460		
For the Virginia Historical Society (Battle Abbey), at Richmond	$ 3,000	$ 3,000

Richmond Historical Foundation, Incorporated

Item 460-A		
For aid in the restoration of the St. John's Church area	$ 5,000	

Confederate Museum, at Richmond

Item 461		
For the care of Confederate collections and the maintenance of the Virginia room at the Confederate Museum, at Richmond	$ 1,800	$ 1,800

Valentine Museum, at Richmond

Item 462		
For the Valentine Museum, for shipment of exhibits to the public schools of Virginia	$ 5,000	$ 5,000

Woodrow Wilson Birthplace Foundation, Incorporated

Item 463		
For aid in the maintenance of the Woodrow Wilson home at Staunton, Virginia	$ 5,000	$ 5,000

Robert E. Lee Memorial Foundation, Incorporated

Item 464		
For aid in further development of "Stratford"	$ 20,000	$ 20,000

Virginia Home for Incurables, at Richmond

Item 465		
For the Virginia Home for Incurables, at Richmond, for care of incurables	$ 39,000	$ 39,000

Atlantic Rural Exposition, Incorporated

Item 466		
For the Atlantic Rural Exposition, Inc., for providing State premiums, which is to be applied toward the payment of said premiums upon the agricultural, horticultural, livestock and poultry exhibits to be offered in the name of the Commonwealth of Virginia at the annual exhibitions of said association	$ 25,000	$ 25,000

It is provided that the Governor of Virginia, and four others, to be appointed by him, two from the State Board of Agriculture and Immigation and two from the board of directors of the Atlantic Rural

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	First Year	Second Year
Exposition, Inc., shall constitute a committee of five to determine the number, amount and character of premiums provided for in this appropriation of $25,000. The members of said committee shall receive no compensation for their services. It is provided, further, that the appropriation of $25,000 hereby made be subject to payment of the Atlantic Rural Exposition, Inc., upon order of the committee herewith provided for, by warrant of the chairman.		
Barter Theatre		
Item 467 For aid in the operation of the Barter Theatre	$ 15,000	$ 15,000
Virginia Institute of Scientific Research		
Item 468 For promoting basic and applied research in the natural sciences	$ 20,000	$ 20,000
Civil Air Patrol		
Item 469 For Civil Air Patrol	$ 10,000	$ 10,000
Virginia State Library		
Item 470 For erection of a marker describing the historical significance of the spot on Saylor's Creek Battlefield near Double Bridges where one of the last battles of the Civil War was fought and General Gordon's wagon trains were captured	$ 175	
Item 470-A For erecting a marker describing the historical significance of the site of Pope's Creek Episcopal Church in Westmoreland County	$ 175	
Item 470-B For erection of a marker describing the site where the first peanuts were grown in the United States, in Sussex County	$ 300	
Item 470-C For erecting highway historical marker to commemorate the site of the first church in Suffolk, Virginia	$ 150	
Item 470-D For erecting highway historical marker to commemorate the site of the founding of the first Ruritan Club at Holland, Virginia	$ 150	
Breaks Interstate Park Commission		
Item 471 For the development and operation, jointly with the State of Kentucky, of the Breaks Interstate Park	$ 9,250	$ 9,250
Total for miscellaneous activities	$ 159,000	$ 153,050
Total from general fund for recurring maintenance and operation	*$*178,852,447*	*$*191,114,366*

2. This Act is in force from its passage.

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I, E. Griffith Dodson, Clerk of the House of Delegates and Keeper of the Rolls of the State, do certify that the session of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein were enacted, adjourned sine die April twenty-fourth, nineteen hundred fifty-nine.

E. GRIFFITH DODSON,

Clerk of the House of Delegates and Keeper of the Rolls of the State.

Note: Except as otherwise specifically provided therein, all Acts of this extra session of the General Assembly become effective at the first moment of July 24, 1959, that is, not until at least ninety days after the adjournment sine die (Const. § 53).

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Joint Resolutions of the General Assembly

EXTRA SESSION 1959

STUDIES FOR LEGISLATION

HOUSE JOINT RESOLUTION NO. 15

Requesting the Virginia State Bar and the Virginia State Bar Association to study the problem of drunken driving and the statutes relating thereto.

Agreed to by the House, April 15, 1959

Agreed to by the Senate, April 22, 1959

Whereas, the appalling and senseless rising toll in death, injury and damages from motor vehicle accidents in Virginia and throughout the several states has given grave concern to public officials and legislators as well as to the people of the nation; and

Whereas, a lamentably large number of the motor vehicle accidents on the highways of this and other states are attributable to the operation of vehicles by drivers who are under the influence of intoxicants; and

Whereas, all states have taken action to combat this menace and have by such means as required blood and other tests, mandatory jail sentences, and heavy penalties for convictions, sought to ameliorate these conditions; and

Whereas, the Virginia Advisory Legislative Council has been directed by the General Assembly of Virginia to make a study of the problems of drunken driving and means which should be taken to combat it and to report its findings and recommendations to the Governor and General Assembly not later than September one, nineteen hundred fifty-nine; and

Whereas, the assistance of the Virginia State Bar and the Virginia State Bar Association is desired by the Virginia Advisory Legislative Council in this undertaking; now, therefore,

Be it resolved by the House of Delegates, the Senate concurring, That the Virginia State Bar and the Virginia State Bar Association, respectively, are requested to study the problem of drunken driving on the highways of Virginia with a view to reducing the number of deaths and injuries upon the highways of this Commonwealth resulting from persons driving automobiles while intoxicated, and further requests that such studies be completed and that the Virginia State Bar and the Virgina State Bar Association, respectively, submit their findings and recommendations to the Virginia Advisory Legislative Council not later than September one, nineteen hundred fifty-nine.

Resolved, further, that the Clerk of the House of Delegates transmit to the presidents of the Virginia State Bar and the Virginia State Bar Association copies of this resolution.

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HOUSE JOINT RESOLUTION NO. 17

Creating a commission to study the feasibility of educational television.

Agreed to by the Senate, as amended, April 22, 1959

Agreed to by the House, as amended, April 23, 1959

Whereas, television appears to offer a method whereby the education of our children might be greatly strengthened and improved; and

Whereas, some cities and states have found that television offers a means whereby the highly qualified teacher may instruct a much larger number of children than is possible in a classroom; and

Whereas, in view of the current conditions in the field of public education in this State, it is desirable that steps be taken, so far as possible, to provide for the education of our children through television, which medium of education would seem to offer many advantages with few of the difficulties now confronting education generally, now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That a Commission be, and it hereby is, created to make a study and report upon the feasibility of a program of State-supported or State-aided educational television in all areas of the State. The Commission shall be composed of nine members, of whom four shall be appointed by the Speaker of the House of Delegates from the membership thereof, two shall be appointed by the President of the Senate from the membership thereof, and three shall be appointed by the Governor who shall select one of his nominees from either the State Board of Education or the State Department of Education. The Commission shall meet and organize as soon as may be, in order to make its report to the Governor and General Assembly, which report shall be made not later than January 31, 1960. All agencies of the State shall assist the Commission in its study. The members of the Commission shall receive no compensation for their services but shall be paid their necessary expenses for which, and for such secretarial and other assistance as the Commission may require, there is hereby appropriated the sum of two thousand dollars, to be paid from the contingent fund of the General Assembly.

In making this study, the Commission shall consider:

(a) the benefits to be obtained from a State-aided or State-supported program of educational television as compared to the disadvantages thereof,

(b) the experiences of municipalities and other states in educational television,

(c) how educational television might permit skilled teachers to instruct larger classes and enable more children to benefit from such instructional personnel, and

(d) the benefits to all the children of the State which might be derived from educational television as a means of furthering the education of children under conditions which would be conducive to the best interests of such children.

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HOUSE JOINT RESOLUTION NO. 30

Requesting the Virginia Commission on the Aging to study and report to the Governor and the General Assembly on certain facilities for aged and incapacitated persons.

Agreed to by the House and Senate, April 23, 1959

Whereas, the population of Virginia sixty-five years of age and over is increasing by eight thousand to nine thousand each year, a significant number of whom require care outside their own homes; and

Whereas, there is an increasing need for homes for the aged and nursing homes located so as to make such facilities available to all areas within a reasonable distance; and

Whereas, there appears to be a need for additional institutional facilities for the care of aged persons, especially on a district or area basis; and

Whereas, costly hospital care is frequently extended because of a lack of appropriate nursing or domiciliary facilities for the aged and infirm for whom appropriate care is not available in their own homes; now, therefore, be it

Resolved, by the House of Delegates, the Senate concurring, that the Virginia Commission on the Aging is hereby requested to make a study of the present institutional facilities in the State operated by counties and cities, or combinations thereof, or under private auspices for aged and incapacitated persons to determine whether present needs are being met and, if not, the areas in which additional facilities are needed. The Commission is further requested to consider how additional facilities, if found to be needed, can best be provided. The Commission shall conclude this study and make a report thereon to the Governor and the General Assembly not later than August 1, 1959.

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STATE OFFICIALS

GOVERNOR.....*J. Lindsay Almond, Jr.*
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE.....*A. E. S. Stephens*
ADJUTANT GENERAL.....*Sheppard Crump*
AGRICULTURE AND IMMIGRATION, COMMISSIONER OF.....*Parke C. Brinkley*
ALCOHOLIC BEVERAGE CONTROL BOARD, VIRGINIA.....*John W. Hardy, Chairman*; *Warren Wright*; *John G. Bruce*
ATTORNEY GENERAL.....*Albertis S. Harrison, Jr.*
AUDITOR OF PUBLIC ACCOUNTS.....*J. Gordon Bennett*
BANKING, COMMISSIONER OF.....*Logan R. Ritchie*
BUDGET, DIRECTOR OF DIVISION OF THE.....*L. M. Kuhn*
BUREAU OF ENGINEERING AND MAINTENANCE, CHIEF.....*D. V. Chapman, Jr.*
COMPENSATION BOARD, CHAIRMAN.....*G. Edmond Massie*
COMPTROLLER, STATE.....*Sidney C. Day, Jr.*
CONSERVATION AND ECONOMIC DEVELOPMENT, VIRGINIA—
DIRECTOR OF DEPARTMENT.....*Raymond V. Long*
CORPORATION COMMISSION, STATE.....*Jesse W. Dillon, Chairman*; *Ralph T. Catterall*; *H. Lester Hooker*
EDUCATION, STATE BOARD OF—SUPT. OF PUBLIC INSTRUCTION.....*Davis Y. Paschall*
ELECTIONS, STATE BOARD—SECRETARY.....*Levin Nock Davis*
FISHERIES, COMMISSIONER OF.....*Milton T. Hickman*
GAME AND INLAND FISHERIES, COMMISSION OF—
EXECUTIVE DIRECTOR.....*Chester S. Phelps*
GROUNDS AND BUILDINGS, DIRECTOR OF THE DIVISION OF.....*M. L. Westman*
HEALTH COMMISSIONER, STATE.....*Dr. Mack I. Shanholtz*
HIGHWAY COMMISSIONER, STATE.....*S. D. May*
HOUSE OF DELEGATES:
Speaker.....*E. Blackburn Moore*
Clerk, and Keeper of the Rolls of the State.....*E. Griffith Dodson*
INDUSTRIAL COMMISSION OF VIRGINIA.....*M. E. Evans, Chairman*; *J. G. Crenshaw*; *M. E. Nuckols, Jr.*
INSURANCE, COMMISSIONER OF.....*T. Nelson Parker*
LABOR, COMMISSIONER OF.....*Edmond M. Boggs*
LIBRARIAN, STATE.....*Randolph W. Church*
MENTAL HYGIENE AND HOSPITALS, DEPARTMENT OF,
COMMISSIONER OF.....*Dr. Hiram W. Davis*
MOTION PICTURE CENSORSHIP, DIVISION OF.....*Mrs. Margaret K. Gregory, Chairman*; *Mrs. Lollie C. Whitehead*; *Mrs. Russell Ferguson Wagers*
MOTOR VEHICLES, COMMISSIONER OF DIVISION OF.....*Chester H. Lamb*
PENITENTIARY, SUPERINTENDENT OF THE.....*W. F. Smyth, Jr.*
PERSONNEL DIRECTOR.....*John W. Garber*
POLICE, STATE, SUPERINTENDENT OF DEPARTMENT OF.....*C. W. Woodson, Jr.*
PROFESSIONAL AND OCCUPATIONAL REGISTRATION, DIRECTOR OF DEPT.....*Turner N. Burton*
PURCHASES AND SUPPLY, DEPT. OF, DIRECTOR.....*G. Lloyd Nunnally*
RETIREMENT SYSTEM, VIRGINIA SUPPLEMENTAL, DIRECTOR.....*Charles H. Smith*
SECRETARY OF THE COMMONWEALTH.....*Martha Bell Conway*
SENATE:
President.....*A. E. S. Stephens*
President pro tempore.....*Charles T. Moses*
Clerk.....*Ben D. Lacy*
STATUTORY RESEARCH AND DRAFTING,
DIRECTOR OF DIVISION.....*John B. Boatwright, Jr.*
TAX COMMISSIONER, STATE.....*C. H. Morrissett*
TREASURER, STATE.....*E. B. Pendleton, Jr.*
UNEMPLOYMENT COMPENSATION COMMISSION OF VIRGINIA—
COMMISSIONER.....*John Q. Rhodes, Jr.*
VITAL STATISTICS, REGISTRAR.....*Estelle V. Marks*
WELFARE AND INSTITUTIONS, DIRECTOR OF DEPT.....*Richard W. Copeland*
DIRECTOR OF DIVISION OF CORRECTIONS.....*Rice M. Youell*
DIRECTOR OF DIVISION OF GENERAL WELFARE.....*W. L. Painter*
DIRECTOR OF DIVISION OF PAROLE.....*Charles P. Chew*
DIRECTOR OF DIVISION OF YOUTH SERVICES.....*Carroll R. Minor*
CONSULTANT ON JUVENILE COURT PRACTICE AND PROCEDURE.....*J. Luther Glass*

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SUPREME COURT OF APPEALS

JOHN W. EGGLESTON, *Chief Justice*.....*Norfolk, Va.*

ASSOCIATE JUSTICES

C. VERNON SPRATLEY.....*Hampton, Va.*
A. C. BUCHANAN.....*Tazewell, Va.*
WILLIS D. MILLER.....*Richmond, Va.*
KENNON C. WHITTLE.....*Martinsville, Va.*
HAROLD F. SNEAD.....*Richmond, Va.*
LAWRENCE W. I'ANSON.....*Portsmouth, Va.*

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

Dr. Hiram W. Davis, Commissioner
9 N. 12th St., Richmond

STATE HOSPITALS FOR THE INSANE

EASTERN—WILLIAMSBURG, VA.
Dr. Joseph E. Barrett, Superintendent

SOUTHWESTERN—MARION, VA.
Dr. Joseph R. Blalock, Superintendent

WESTERN—STAUNTON, VA.
Dr. James B. Pettis, Superintendent

CENTRAL—PETERSBURG, VA.
Dr. J. Kenworthy Ogden, Acting Superintendent

DEJARNETTE STATE SANATORIUM—STAUNTON, VA.
Dr. G. Edmund Stone, Superintendent

LYNCHBURG TRAINING SCHOOL AND HOSPITAL—COLONY, VA.
Dr. Benedict Nagler, Superintendent

PETERSBURG TRAINING SCHOOL (NEW)
OFFICE: 9 N. 12TH ST., RICHMOND, VA. (TEMPORARY)
HOSPITAL LOCATION—PETERSBURG, VA.
Dr. W. I. Prichard, Superintendent

PETERSBURG TRAINING SCHOOL AND HOSPITAL—PETERSBURG, VA.
Dr. R. F. Gonzales, Physician in Charge

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THE SENATE

A list of Senators, numbers of their districts, postoffices, counties or cities in which they reside, telegraph and express offices.

No. of District	Name	Postoffice	County or City	Telegraph and Express Office	Representing
23	Aldhizer, George S., II	Broadway	Rockingham	Broadway	Harrisonburg, Page, Rappahannock, Rockingham and Warren.
1	Ames, E. Almer, Jr.	Onancock	Accomack	Onancock Tasley (Exp.)	Accomack, Northampton, Princess Anne, Virginia Beach.
2	Baldwin, Robert F., Jr.	116 Brooke Ave., Norfolk	Norfolk City	Norfolk	Norfolk City.
19	Bird, D. Woodrow	Bland	Bland	Wytheville	Bland, Giles, Pulaski and Wythe.
33	Bird, Lloyd C.	1105 Riverside Dr., Richmond 25	Chesterfield	Richmond	Charles City, Chesterfield, Colonial Heights and Henrico.
30	Blanton, Thomas H.	Bowling Green	Caroline	Bowling Green	Caroline, Hanover, King William, Essex, King and Queen, and Middlesex.
36	Boothe, Armistead L.	505 King St., Alexandria	Alexandria	Alexandria	City of Alexandria.
2	Breeden, Edward L., Jr.	Bank of Commerce Bldg., Norfolk	Norfolk City	Norfolk Culpeper	Norfolk City.
27	Button, Robert Y.	Culpeper	Culpeper	Winchester	Culpeper, Fauquier and Loudoun.
24	Byrd, Harry F., Jr.	Winchester	Winchester	Staunton	Clarke, Frederick, Shenandoah and Winchester.
22	Carter, Curry	Staunton	Staunton	Buchanan	Augusta, Bath, Highland, Staunton and Waynesboro.
20	Carter, Stuart Barns	Fincastle	Botetourt	Radford	Alleghany, Bedford, Botetourt, Buena Vista, Clifton Forge, Covington, Craig and Rockbridge.
21	Dalton, Ted	Radford	Radford		Franklin, Montgomery, Radford, Roanoke County.
28	Donovan, John A. K.	106 Little Falls St., Falls Church	Falls Church	Falls Church	Fairfax and Falls Church.
9	Fenwick, Charles R.	6733 Lee Highway, Arlington	Arlington	Arlington Roanoke	Arlington.
35	Fitzpatrick, Earl A.	Roanoke	Roanoke City	Suffolk	Roanoke City.
5	Godwin, Mills E., Jr.	Suffolk	Suffolk	Waverly	Isle of Wight, Nansemond, Southampton, Suffolk.
6	Gray, Garland	Waverly	Sussex		Greensville, Hopewell, Prince George, Surry, Sussex.
34	Haddock, Dr. Edward E.	1133 W. Franklin St., Richmond	Richmond City	Richmond Clover	Richmond City.
4	Hagood, Dr. J. D.	Clover	Halifax		Halifax, Charlotte, Prince Edward.
32	Hallett, Stuart E.	104 Chesterfield Road, Hampton	Hampton	Hampton	Hampton and Newport News.
7	Hutcheson, Jos. C.	Lawrenceville	Brunswick	Lawrenceville	Brunswick, Lunenburg and Mecklenburg.

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District No. of	Name	Postoffice	County or City	Telegraph and Express Office	Representing
14	Landreth, S. Floyd	Galax	Grayson	Galax	Carroll, Floyd, Grayson and Galax.
17	Long, M. M.	St. Paul	Wise	St. Paul	Dickenson, Wise and Norton.
3	Marsh, Gordon F.	Law Bldg., Portsmouth	Portsmouth	Portsmouth	Norfolk County, South Norfolk.
25	McCue, Edward O., Jr.	Charlottesville	Charlottesville	Charlottesville	Albemarle, Charlottesville, Fluvanna, Greene and Madison.
31	Minter, W. Marvin	Mathews	Mathews	Mathews	Gloucester, Mathews, Newport News, York, James City, New Kent and Williamsburg.
11	Moses, Charles T.	Appomattox	Appomattox	Appomattox	Appomattox, Buckingham, Cumberland, Powhatan, Amherst, Nelson and Amelia.
29	Newton, Blake T.	Hague	Westmoreland	Warsaw	King George, Lancaster, Northumberland, Prince William, Richmond County, Stafford and Westmoreland.
12	Perrow, Mosby G., Jr.	Krise Bldg., Lynchburg	Lynchburg	Lynchburg	Campbell and Lynchburg.
15	Phillips, Thomas C.	Abingdon	Abingdon	Abingdon	Bristol, Smyth and Washington.
26	Purcell, Harold H.	Louisa	Louisa	Louisa	Fredericksburg, Goochland, Louisa, Orange and Spotsylvania.
10	Spong, Wm. B., Jr.	Colony Theatre Bldg., Portsmouth	Portsmouth	Portsmouth	Portsmouth.
13	Stone, William F.	Martinsville	Martinsville	Martinsville	Danville, Henry, Martinsville, Patrick and Pittsylvania.
18	Stuart, Harry C.	Elk Garden	Russell	Blackford	Buchanan, Russell and Tazewell.
34	Sydnor, Eugene B., Jr.	P. O. Box 1474, Richmond	Richmond City	Richmond	Richmond City.
8	Temple, John H.	801 Bollingbrook St., Petersburg	Petersburg	Petersburg	Dinwiddie, Nottoway and Petersburg.
34	Willey, Edward E.	1205 Bellevue Ave., Richmond	Richmond City	Richmond	Richmond City.
16	Wolfe, Roy V., Jr.	Gate City	Scott	Gate City	Lee and Scott.
13	Wyatt, Landon R.	Danville	Danville	Danville	Danville, Henry, Martinsville, Patrick and Pittsylvania.

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SENATE OFFICERS AND EMPLOYEES

Name	Office	Postoffice	County or City
Stephens, A. E. S.	Lieutenant Governor	Smithfield	Isle of Wight
Moses, Charles T.	President pro tem	Appomattox	Appomattox
Lacy, Ben D.	Clerk	Scottsburg	Halifax
Smyth, H. N.	Assistant Clerk	Richmond	Richmond City
Lucas, Louise O.	Secretary and Deputy Clerk	Richmond	Richmond City
Myers, Morris D.	Reading Clerk	Norfolk	Norfolk City
Spencer, Thos. M., Jr.	Journal Clerk	South Boston	Halifax
Parrott, James E.	Minute Clerk	Ruckersville	Greene
Overton, Chas. A., Jr.	Sergeant at Arms	Richmond	Richmond City
Tritton, R. C.	Doorkeeper	Richmond	Richmond City
Healy, Jos. E.	Asst. Doorkeeper	Bon Air	Chesterfield
Pedrick, Elmer C.	Gallery Doorkeeper	Richmond	Richmond City
Perkins, Dorothy O'B.	Engrossing Clerk	Richmond	Chesterfield
Jones, Miriam R.	Typist	Richmond	Chesterfield
Ellis, Homer B.	Committee Clerk	Norton	Wise
Hamner, Harold D.	Committee Clerk	Ammon	Amelia
Pedigo, Henry N.	Committee Clerk	Waverly	Sussex
Spinella, Nicholas A.	Committee Clerk	Richmond	Richmond City
Boggs, D. Hugh	Committee Clerk	Columbia	Goochland
Rogers, George W.	Postmaster	Richmond	Richmond City
Wingo, William	Asst. Postmaster	Richmond	Chesterfield
Atkisson, Mabel M.	Stenographer	Richmond	Henrico
Chesterman, Julia H.	Stenographer	Richmond	Richmond City
Moss, Anne	Stenographer	Richmond	Henrico
West, Dallas	Stenographer	Richmond	Richmond City
Adams, Charles F., Jr.	Page	Java	Pittsylvania
Broughton, Donald Ray	Page	Hampton	Hampton
Daffron, Philip V.	Page	Chester	Chesterfield
Jones, William Jonas, Jr.	Page	Whaleyville	Nansemond
Kilpatrick, Michael S.	Page	Richmond	Richmond City
Solyan, William F.	Page	Hopewell	Hopewell
Yeatts, Ernest Stuart, Jr.	Page	Meadowview	Washington

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LIST OF SENATORS SHOWING NUMBER OF SEAT

A. E. S. STEPHENS, *Lieutenant Governor, President*

CHAS. T. MOSES, *President pro tempore*

Aldhizer, George S., II	37	Hallett, Stuart E	26
Ames, E. Almer, Jr	3	Hutcheson, Jos. C	17
Baldwin, Robert F., Jr	21	Landreth, S. Floyd	39
Bird, D. Woodrow	14	Long, M. M	7
Bird, Lloyd C	31	Marsh, Gordon F	22
Blanton, Thomas H	9	McCue, Edward O., Jr	30
Boothe, Armistead L	18	Minter, W. Marvin	6
Breeden, Edward L., Jr	20	Moses, Charles T	13
Button, Robert Y	36	Newton, Blake T	2
Byrd, Harry F., Jr	12	Perrow, Mosby G., Jr	5
Carter, Curry	28	Phillips, Thos. C	16
Carter, Stuart Barns	1	Purcell, Harold H	4
Dalton, Ted	38	Spong, Wm. B., Jr	29
Donovan, John A. K	19	Stone, Wm. F	15
Fenwick, Chas. R	32	Stuart, Harry C	33
Fitzpatrick, Earl A	35	Sydnor, Eugene B., Jr	24
Godwin, Mills E., Jr	11	Temple, John H	34
Gray, Garland	10	Willey, Edward E	25
Haddock, Dr. Edward E	23	Wolfe, Roy V., Jr	40
Hagood, Dr. J. D.	27	Wyatt, Landon R	8

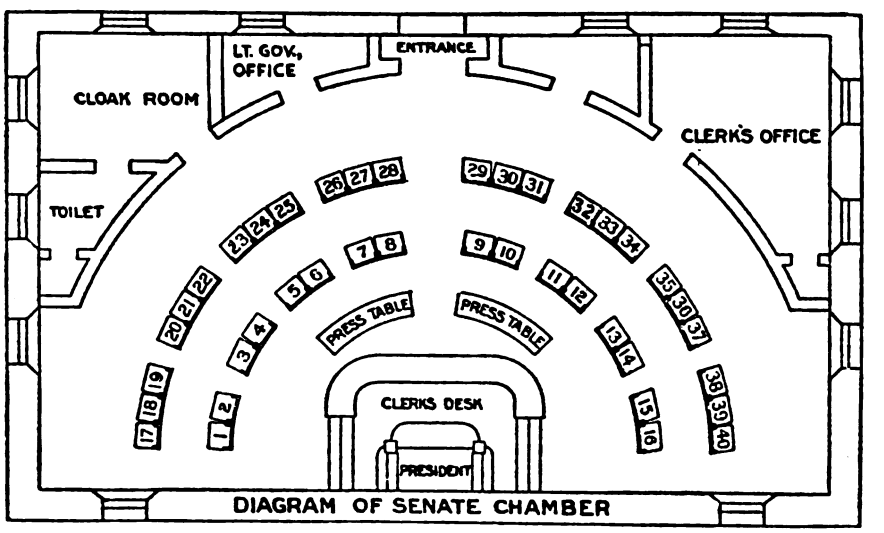

DIAGRAM OF SENATE CHAMBER

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THE HOUSE OF DELEGATES

A list of members, their postoffices, counties or cities in which they reside, and telegraph offices.

Name	Postoffice	County or City	Telegraph Office	County or City Represented
Adams, Howard H.	Eastville	Northampton	Eastville	Accomack and Northampton.
Allen, George E., Jr.	Richmond	Richmond City	Richmond	Richmond City.
Anderson, Howard P.	Halifax	Halifax	Halifax	Halifax
Anderson, Matt G.	Oilville	Louisa	Oilville	Fluvanna, Goochland & Louisa
Baker, Inez D.	Portsmouth	Portsmouth	Portsmouth	Portsmouth
Bemiss, FitzGerald	Richmond	Richmond City	Richmond	Richmond City.
Boatwright, John B.	Buckingham	Buckingham	Buckingham	Buckingham, Appomattox and Cumberland.
Brown, Earle M.	Lynchburg	Lynchburg	Lynchburg	Amherst and Lynchburg.
Buck, Fred C.	Abingdon	Washington	Abingdon	Washington and Bristol.
Camblos, J. L.	Big Stone Gap	Wise	Big Stone Gap	Wise and Norton.
Cantrell, Orby L.	Pound	Wise	Norton	Wise and Norton.
Carlton, E. Tucker	Richmond	Richmond City	Richmond	Richmond City.
Carneal, Russell M.	Williamsburg	Williamsburg	Williamsburg	Charles City, James City, New Kent, York and Williamsburg.
Carter, H. Stuart	Bristol	Bristol	Bristol	Washington and Bristol.
Clark, Robert L.	Stuart	Patrick	Stuart	Henry, Patrick and Martinsville.
Cleaton, C. W.	South Hill	Mecklenburg	South Hill	Mecklenburg.
Cochran, George M.	Staunton	Staunton	Staunton	Augusta, Highland, Staunton and Waynesboro.
Cohoon, Willis E.	Suffolk	Suffolk	Suffolk	Nansemond and Suffolk.
Compton, E. C.	Stanardsville	Greene	Stanardsville	Albemarle and Greene.
Cooke, John Warren	Mathews	Mathews	Mathews	Gloucester, Mathews and Middlesex.
Coyle, R. Ed., Sr.	Hayst	Dickenson	Grundy	Buchanan and Dickenson
Cross, Charles B., Jr.	Portsmouth	Norfolk County	Portsmouth	Norfolk County and South Norfolk.
Dalton, Grady W.	Richlands	Tazewell	Richlands	Tazewell
Daniel, John H.	Charlotte C. H.	Charlotte	Drakes Branch	Charlotte and Prince Edward.
Davis, Delamater	Norfolk	Norfolk City	Norfolk	Norfolk City.
Davis, Harry B.	Norfolk 2	Princess Anne	Norfolk	Princess Anne and Virginia Beach.
Dervishian, Harold H.	Richmond	Richmond City	Richmond	Richmond City.
Edmunds, Felix E.	Waynesboro	Waynesboro	Waynesboro	Augusta, Highland, Staunton and Waynesboro.
Elliott, Dr. W. C.	Lebanon	Russell	Cleveland	Russell.
Folkes, Minetree, Jr.	Richmond	Henrico	Richmond	Chesterfield, Henrico and Colonial Heights.
Frost, Tom	Warrenton	Fauquier	Warrenton	Fauquier and Rappahannock.
Fugate William C.	Jonesville	Lee	Ben Hur	Lee
Giesen, Charlotte C.	Radford	Radford	Radford	Montgomery and Radford
Glass, Thomas R.	Lynchburg	Lynchburg	Lynchburg	Lynchburg
Gouldman, Francis B.	Fredericksburg	Fredericksburg	Fredericksburg	Spotsylvania and Fredericksburg.
Green, Chas. E., Jr.	Bedford	Bedford	Bedford	Bedford.
Gregory, Kossen	Roanoke	Roanoke City	Roanoke	Roanoke City.
Gwathmey, Robert R., III	Hanover	Hanover	Hanover	Hanover and King William
Harper, John P.	Norfolk	Norfolk City	Norfolk	Norfolk City.
Harrell, Lyman C., Jr.	Emporia	Greensville	Emporia	Greensville and Sussex
Hill, George H.	Newport News	Newport News	Newport News	Newport News.
Hill, William R.	Charlottesville	Charlottesville	Charlottesville	Charlottesville
Hirst, Omer L.	Annandale	Fairfax	Alexandria	Fairfax and Falls Church.
Holland, Shirley T.	Windsor	Isle of Wight	Windsor	Isle of Wight, Nansemond and Suffolk.
Hoover, Lawrence H.	Harrisonburg	Harrisonburg	Harrisonburg	Rockingham and Harrisonburg.
Hudgins, Edward M.	Richmond	Chesterfield	Richmond	Chesterfield and Colonial Heights.
Hutchens, Charles K.	Newport News	Newport News	Newport News	Newport News.
Hutcherson, Nathan B., Jr.	Rocky Mount	Franklin	Rocky Mount	Franklin
Irby, Llewellyn H.	Blackstone	Nottoway	Blackstone	Amelia, Powhatan & Nottoway

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Name	Postoffice	County or City	Telegraph Office	County or City Represented
James, E. Ralph	Hampton	Hampton	Hampton	Hampton.
Lane, Edward E	Richmond	Richmond City	Richmond	Richmond City.
Leadbetter, Paris I	Hopewell	Hopewell	Hopewell	Prince George, Surry and Hopewell.
Leary, W. T	Portsmouth	Norfolk County	Portsmouth	Norfolk County and South Norfolk.
Locher, Baldwin G	Glasgow	Rockbridge	Glasgow	Rockbridge, Bath and Buena Vista.
McMurran, Lewis A., Jr	Newport News	Newport News	Newport News	Newport News.
Mann, Harrison	Arlington	Arlington	Arlington	Arlington.
Manns, Paul W	Bowling Green	Caroline	Bowling Green	Caroline, King George, Essex and King and Queen
Monoure, Frank P	Stafford	Stafford	Stafford	Prince William and Stafford.
Moody, Willard J	Portsmouth	Portsmouth	Portsmouth	Portsmouth.
Moore, E. Blackburn	Berryville	Clarke	Berryville	Clarke, Frederick and Winchester.
Moore, Garnett S	Pulaski	Pulaski	Pulaski	Pulaski.
Moxley, Dr. Joseph C	Independence	Grayson	Galax	Grayson and Galax.
Murphy, W. Taylor	Warsaw	Richmond County	Warsaw	Northumberland, Westmoreland, Lancaster and Richmond.
Newton, Dr. M. C	Narrows	Giles	Narrows	Bland and Giles.
Parker, Thomas N. Jr	Richmond	Richmond City	Richmond	Richmond City.
Peck, John M., Jr	Fincastle	Botetourt	Roanoke	Botetourt and Craig.
Pendleton, Nat W	Wytheville	Wythe	Wytheville	Wythe.
Perry, Dr. W. H	Gate City	Scott	Gate City	Scott
Phillips, Lucas D	Leesburg	Loudoun	Leesburg	Loudoun.
Philpott, Albert L	Bassett	Henry	Bassett	Henry, Patrick & Martinsville
Pilcher, Theodore C	Norfolk	Norfolk City	Norfolk	Norfolk City.
Poff, Joseph H	Floyd	Floyd	Floyd	Carroll and Floyd
Pollard, Fred G	Richmond	Richmond City	Richmond	Richmond City.
Pope, Samuel E	Drewryville	Southampton	Drewryville	Southampton.
Price, C. D	Stanley	Page	Stanley	Page and Warren.
Reynolds, Dr. Randall O	Chatham	Pittsylvania	Chatham	Pittsylvania.
Richardson, Arthur H	Dinwiddie	Dinwiddie	Dinwiddie	Petersburg and Dinwiddie.
Riley, Wilbur O	Woodstock	Shenandoah	Woodstock	Shenandoah
Rixey, John F	Norfolk	Norfolk City	Norfolk	Norfolk City.
Roberts, James W	Norfolk	Norfolk City	Norfolk	Norfolk City.
Rouse, W. Ray	Marion	Smyth	Marion	Smyth.
Rutherfoord, Julian H., Jr	Roanoke	Roanoke City	Roanoke	Roanoke City.
Savage, Toy D., Jr	Norfolk	Norfolk City	Norfolk	Norfolk City.
Shreves, Melvin L	Bloxom	Accomack	Onley	Accomack.
Slaughter, D. French, Jr	Culpeper	Culpeper	Culpeper	Madison, Culpeper and Orange
Smith, R. Maclin	Kenbridge	Lunenburg	Kenbridge	Brunswick and Lunenburg.
Smith, Vernon C	Grundy	Buchanan	Grundy	Buchanan.
Smith, W. Roy	Petersburg	Petersburg	Petersburg	Petersburg and Dinwiddie.
Stone, Mrs. Kathryn H	Arlington	Arlington	Arlington	Arlington.
Thompson, Lawrence R	Rustburg	Campbell	Rustburg	Campbell.
Thomson, James M	Alexandria	Alexandria	Alexandria	Alexandria.
Thurman, Nelson R	Vinton	Roanoke County	Roanoke	Roanoke County.
Wampler, Chas. W., Jr	Harrisonburg	Harrisonburg	Harrisonburg	Rockingham and Harrisonburg.
Webb, John C	Fairfax	Fairfax	Fairfax	Fairfax and Falls Church.
Webber, H. Ray	Low Moor	Alleghany	Clifton Forge	Alleghany, Covington and Clifton Forge.
Wheatley, C. Stuart	Danville	Danville	Danville	Danville.
Whitehead, Hunt M	Chatham	Pittsylvania	Chatham	Pittsylvania.
Whitehead, Robert	Lovingston	Nelson	Shipman	Nelson and Amherst.
Williams, Joseph J., Jr	Sandston	Henrico	Richmond	Henrico.
Winston, William L	Arlington	Arlington	Arlington	Arlington.

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HOUSE OFFICERS AND EMPLOYEES

NAME	OFFICE	POSTOFFICE	COUNTY OR CITY
MOORE, E. BLACKBURN	Speaker	Berryville	Clarke
DODSON, E. GRIFFITH	Clerk	Richmond	Richmond City
RICH, GEORGE R.	Assistant Clerk	Richmond	Richmond City
PEIRCE, ALICE CLARK	Secretary, Deputy Clerk	Richmond	Richmond City
GODDIN, STONEWALL	Custodian	Richmond	Richmond City
CONNOCK, STUART W.	Journal Clerk	Richmond	Richmond City
SAUNDERS, J. EDWIN	Minute Clerk	Richmond	Richmond City
ADAMS, W. HOWARD	Engrossing Clerk	Spring Grove	Prince George
DYER, NIDA P.	Assistant Engrossing Clerk	Richmond	Richmond City
ELMORE, RALPH A., II	Enrolling Clerk	Richmond	Richmond City
DAVIS, EFFIE P.	Journal Typist	Richmond	Richmond City
LAW, LOVICK P.	Sergeant at Arms	Irvington	Lancaster
MORGAN, MILTON R.	Doorkeeper	Richmond	Richmond City
OVERBY, ROBERT W.	Doorkeeper	Richmond	Richmond City
SMITH, HARVEY L.	Doorkeeper	Richmond	Richmond City
LUKHARD, ALFRED LEWIS	Cloakroom Attendant	Richmond	Richmond City
CHOWNING, CARROLL C.	Committee Clerk	Urbanna	Middlesex
CREEKMUR, WILLIAM R.	Committee Clerk	Norfolk	Norfolk City
HILLQUIST, GEORGE	Committee Clerk	Richmond	Richmond City
HOLLEMAN, JOS. H., JR.	Committee Clerk	Surry	Surry
SUTHERLAND, MARVIN M.	Committee Clerk	Richmond	Richmond City
HUNT, MARGARET H.	Stenographer	Richmond	Richmond City
BROWN, DORIS A.	Stenographer	Richmond	Richmond City
EDWARDS, FRANCES J.	Stenographer	Union Level	Mecklenburg
FARR, PEARL M.	Stenographer	Richmond	Richmond City
GILL, MINNIE M.	Stenographer	Richmond	Richmond City
KING, HJORDIS F.	Stenographer	Richmond	Richmond City
KRANKOVICH, HELEN L.	Stenographer	Richmond	Richmond City
MEHARG, EUGENIA B.	Stenographer	Richmond	Richmond City
POLLARD, MAE P.	Stenographer	Richmond	Richmond City
ALEXANDER, W. N.	Page	Rocky Mount	Franklin
BOOKER, WILLIAM H.	Page	Farnham	Richmond
BROCKMAN, ROSSER, II	Page	Orange	Orange
ELLIOTT, RICHARD W.	Page	Gladys	Campbell
GARY, FRANKLIN W.	Page	Petersburg	Petersburg
HAGEN, GARLAND H.	Page	Richmond	Richmond City
HOPSON, WILLIAM S., IV	Page	Richmond	Richmond City
PHAUP, CHARLES R.	Page	Richmond	Richmond City
SHRADER, ROBERT D., JR.	Page	Warsaw	Richmond

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HOUSE OF DELEGATES SEATING ARRANGEMENT

E. Blackburn Moore, Speaker

Adams, Howard H. 29	Gouldman, Francis B. 75	Phillips, Lucas D. 78
Allen, George E., Jr. 21	Green, Charles E., Jr. 8	Philpott, A. L. 93
Anderson, Howard P. 10	Gregory, Kossen 70	Pilcher, Theodore C. 47
Anderson, Matt G. 65	Gwathmey, Robert R., III 71	Poff, Joseph H. 83
Baker, Mrs. Barnabas W. 72	Harper, John P. 24	Pollard, Fred G. 9
Bemiss, FitzGerald 48	Harrell, Lyman C., Jr. 5	Pope, Samuel E. 53
Boatwright, John B. 59	Hill, George H. 57	Price, C. D. 18
Brown, Earle M. 89	Hill, William R. 2	Reynolds, Dr. R. O. 94
Buck, Fred C. 20	Hirst, Omer L. 82	Richardson, Arthur H. 85
Camblos, James L. 43	Holland, Shirley T. 61	Riley, Wilbur O. 84
Cantrell, Orby L. 42	Hoover, Lawrence H. 7	Rixey, John F. 68
Carlton, E. Tucker 14	Hudgins, Edward M. 31	Roberts, James W. 35
Carneal, Russell M. 68	Hutchens, Charles K. 41	Rouse, W. Ray 91
Carter, H. Stuart 16	Hutcherson, Nathan B., Jr. 87	Rutherfoord, Julian H., Jr. 26
Clark, Robert L. 6	Irby, Llewellyn H. 77	Savage, Toy D., Jr. 25
Cleaton C. William 51	James, E. Ralph 32	Shreves, Melvin L. 50
Cochran, George M. 33	Lane, Edward E. 62	Slaughter, D. French, Jr. 69
Cohoon, Willis E. 39	Leadbetter, Paris I. 36	Smith, R. Maclin 38
Compton, E. C. 49	Leary, W. T. 92	Smith, Vernon C. 76
Cooke, John Warren 55	Locher, Baldwin G. 66	Smith, W. Roy 80
Coyle, R. Ed., Sr. 98	McMurran, Lewis A., Jr. 40	Stone, Mrs. Kathryn H. 3
Cross, Charles B., Jr. 93	Mann, C. Harrison, Jr. 23	Thompson, Lawrence H. 11
Dalton, Grady W. 95	Manns, Paul W. 27	Thomson, James M. 46
Daniel, John H. 54	Monoure, Frank P. 37	Thurman, Nelson R. 44
Davis, Delamater 30	Moody, Willard J. 17	Wampler, C. W., Jr. 45
Davis, Harry B. 60	Moore, E. Blackburn 1	Webb, John C. 81
Dervishian, Harold H. 19	Moore, Garnett S. 64	Webber, H. Ray 15
Edmunds, Felix E. 52	Moxley, Dr. Joseph C. 79	Wheatley, C. Stuart, Jr. 56
Elliott, Dr. W. C. 86	Murphy, W. Taylor 28	Whitehead, Hunt M. 12
Folkes, Minetree, Jr. 67	Newton, Dr. M. C., Sr. 88	Whitehead, Robert 4
Frost, Tom 58	Parker, Thomas N., Jr. 18	Williams, Joseph J., Jr. 34
Fugate, Wm. C. 97	Peck, John M., Jr. 76	Winston, William L. 22
Giesen, Mrs. Charlotte C. 100	Pendleton, Nat W. 74	
Glass, Thomas R. 90	Perry, Dr. W. H. 99	

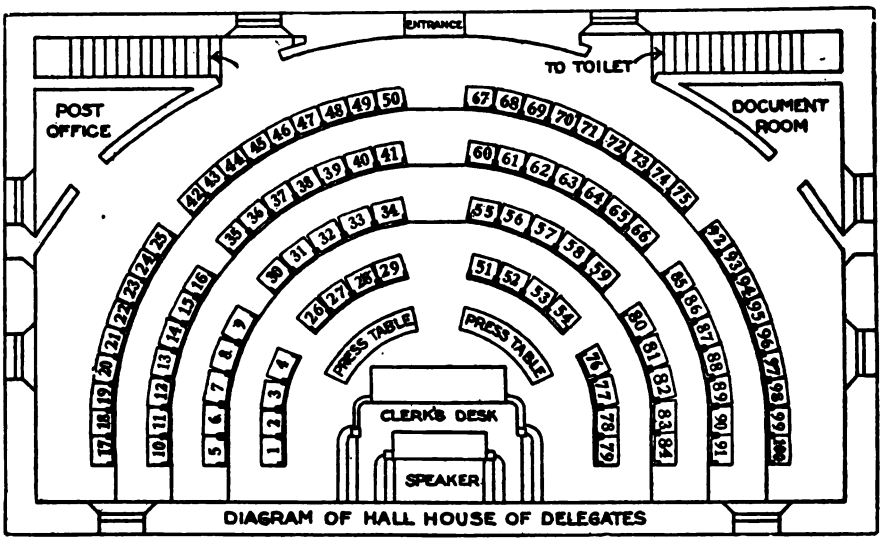

DIAGRAM OF HALL HOUSE OF DELEGATES

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A LIST OF COUNTIES AND CITIES

Showing names and postoffice addresses of their respective Senators and Delegates

COUNTIES	SENATORS	P. O. ADDRESS	DELEGATES	P. O. ADDRESS
Accomack	E. A. AMES, JR.	Onancock	M. L. SHREVES	Bloxom
			H. H. ADAMS	Eastville
Albemarle	E. O. MCCUE, JR.	Charlottesville	E. C. COMPTON	Stanardsville
Alleghany	S. B. CARTER	Fincastle	H. R. WEBBER	Low Moor
Amelia	C. T. MOSES	Appomattox	L. H. IRBY	Blackstone
Amherst	C. T. MOSES	Appomattox	E. M. BROWN	Lynchburg
Appomattox	C. T. MOSES	Appomattox	J. B. BOATWRIGHT	Buckingham
Arlington	C. R. FENWICK	Arlington	W. L. WINSTON	Arlington
			HARRISON MANN	Arlington
			MRS. K. H. STONE	Arlington
Augusta	CURRY CARTER	Staunton	G. M. COCHRAN	Staunton
			F. E. EDMUNDS	Waynesboro
Bath	CURRY CARTER	Staunton	B. G. LOCHER	Glasgow
Bedford	S. B. CARTER	Fincastle	C. E. GREEN, JR.	Bedford
Bland	D. W. BIRD	Bland	DR. M. C. NEWTON	Narrows
Botetourt	S. B. CARTER	Fincastle	J. M. PECK, JR.	Fincastle
Brunswick	JOS. C. HUTCHESON	Lawrenceville	R. M. SMITH	Kenbridge
Buchanan	H. C. STUART	Elk Garden	V. C. SMITH	Grundy
			R. ED. COYLE, SR.	Haysi
Buckingham	C. T. MOSES	Appomattox	J. B. BOATWRIGHT	Buckingham
Campbell	M. G. PERROW, JR.	Lynchburg	L. R. THOMPSON	Rustburg
Caroline	T. H. BLANTON	Bowling Green	P. W. MANNS	Bowling Green
Carroll	S. F. LANDRETH	Galax	J. H. POFF	Floyd
Charles City	L. C. BIRD	Richmond	R. M. CARNEAL	Williamsburg
Charlotte	DR. J. D. HAGOOD	Clover	J. H. DANIEL	Charlotte C. H.
Chesterfield	L. C. BIRD	Richmond	E. M. HUDGINS	Richmond
			MINETREE FOLKES, JR.	Richmond
Clarke	H. F. BYRD, JR.	Winchester	E. B. MOORE	Berryville
Craig	S. B. CARTER	Fincastle	J. M. PECK, JR.	Fincastle
Culpeper	R. Y. BUTTON	Culpeper	D. F. SLAUGHTER, JR.	Culpeper
Cumberland	C. T. MOSES	Appomattox	J. B. BOATWRIGHT	Buckingham
Dickenson	M. M. LONG	St. Paul	R. ED. COYLE	Haysi
Dinwiddie	J. H. TEMPLE	Petersburg	A. H. RICHARDSON	Dinwiddie
			W. R. SMITH	Petersburg
Essex	T. H. BLANTON	Bowling Green	P. W. MANNS	Bowling Green
Fairfax	J. A. K. DONOVAN	Falls Church	O. L. HIRST	Annandale
			J. C. WEBB	Fairfax
Fauquier	R. Y. BUTTON	Culpeper	TOM FROST	Warrenton
Floyd	S. F. LANDRETH	Galax	J. H. POFF	Floyd
Fluvanna	E. O. MCCUE, JR.	Charlottesville	MATT G. ANDERSON	Oilville
Franklin	TED DALTON	Radford	N. B. HUTCHERSON, JR.	Rocky Mount
Frederick	H. F. BYRD, JR.	Winchester	E. B. MOORE	Berryville
Giles	D. W. BIRD	Bland	DR. M. C. NEWTON	Narrows
Gloucester	W. M. MINTER	Mathews	J. W. COOKE	Mathews
Goochland	HAROLD H. PURCELL	Louisa	MATT G. ANDERSON	Oilville
Grayson	S. F. LANDRETH	Galax	DR. J. C. MOXLEY	Independence
Greene	E. O. MCCUE, JR.	Charlottesville	E. C. COMPTON	Stanardsville
Greensville	GARLAND GRAY	Waverly	L. C. HARRELL, JR.	Emporia
Halifax	DR. J. D. HAGOOD	Clover	H. P. ANDERSON	Halifax
Hanover	T. H. BLANTON	Bowling Green	R. R. GWATHMEY, III	Hanover
Henrico	L. C. BIRD	Richmond	J. J. WILLIAMS, JR.	Sandston
			MINETREE FOLKES, JR.	Richmond
Henry	W. F. STONE	Martinsville	R. L. CLARK	Stuart
	L. R. WYATT	Danville	A. L. PHILPOTT	Bassett
Highland	CURRY CARTER	Staunton	F. E. EDMUNDS	Waynesboro
			G. M. COCHRAN	Staunton

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COUNTIES	SENATORS	P. O. ADDRESS	DELEGATES	P. O. ADDRESS
Isle of Wight	M. E. GODWIN, JR.	Suffolk	S. T. HOLLAND	Windsor
James City	W. M. MINTER	Mathews	R. M. CARNEAL	Williamsburg
King George	B. T. NEWTON	Hague	P. W. MANNS	Bowling Green
King and Queen	T. H. BLANTON	Bowling Green	P. W. MANNS	Bowling Green
King William	T. H. BLANTON	Bowling Green	R. R. GWATHMEY, III	Hanover
Lancaster	B. T. NEWTON	Hague	W. T. MURPHY	Warsaw
Lee	R. V. WOLFE, JR.	Gate City	WM. C. FUGATE	Jonesville
Loudoun	R. Y. BUTTON	Culpeper	L. D. PHILLIPS	Leesburg
Louisa	HAROLD H. PURCELL	Louisa	MATT G. ANDERSON	Oilville
Lunenburg	JOS. C. HUTCHESON	Lawrenceville	R. M. SMITH	Kenbridge
Madison	E. O. MCCUE, JR.	Charlottesville	D. F. SLAUGHTER, JR.	Culpeper
Mathews	W. M. MINTER	Mathews	J. W. COOKE	Mathews
Mecklenburg	JOS. C. HUTCHESON	Lawrenceville	C. W. CLEATON	South Hill
Middlesex	T. H. BLANTON	Bowling Green	J. W. COOKE	Mathews
Montgomery	TED DALTON	Radford	CHARLOTTE C. GIESEN	Radford
Nansemond	M. E. GODWIN, JR.	Suffolk	W. E. COHOON	Suffolk
			S. T. HOLLAND	Windsor
Nelson	C. T. MOSES	Appomattox	R. WHITEHEAD	Lovingston
New Kent	W. M. MINTER	Mathews	R. M. CARNEAL	Williamsburg
Norfolk	G. F. MARSH	Portsmouth	C. B. CROSS, JR.	Portsmouth
			W. T. LEARY	Portsmouth
Northampton	E. A. AMES, JR.	Onancock	H. H. ADAMS	Eastville
Northumberland	B. T. NEWTON	Hague	W. T. MURPHY	Warsaw
Nottoway	J. H. TEMPLE	Petersburg	L. H. IRBY	Blackstone
Orange	HAROLD H. PURCELL	Louisa	D. F. SLAUGHTER, JR.	Culpeper
Page	G. S. ALDHIZER, II	Broadway	C. D. PRICE	Stanley
Patrick	W. F. STONE,	Martinsville	R. L. CLARK	Stuart
	L. R. WYATT	Danville	A. L. PHILPOTT	Bassett
Pittsylvania	W. F. STONE	Martinsville	H. M. WHITEHEAD	Chatham
	L. R. WYATT	Danville	R. O. REYNOLDS	Ringgold
Powhatan	C. T. MOSES	Appomattox	L. H. IRBY	Blackstone
Prince Edward	DR. J. D. HAGOOD	Clover	J. H. DANIEL	Charlotte C. H.
Prince George	GARLAND GRAY	Waverly	P. I. LEADBETTER	Hopewell
Prince William	B. T. NEWTON	Hague	F. P. MONCURE	Stafford
Princess Anne	E. A. AMES, JR.	Onancock	H. B. DAVIS	Norfolk 2
Pulaski	D. W. BIRD	Bland	G. S. MOORE	Pulaski
Rappahannock	G. S. ALDHIZER, II	Broadway	TOM FROST	Warrenton
Richmond	B. T. NEWTON	Hague	W. T. MURPHY	Warsaw
Roanoke	TED DALTON	Radford	N. R. THURMAN	Vinton
Rockbridge	S. B. CARTER	Fincastle	B. G. LOCHER	Glasgow
Rockingham	G. S. ALDHIZER, II	Broadway	L. H. HOOVER	Harrisonburg
			C. W. WAMPLER, JR.	Harrisonburg
Russell	H. C. STUART	Elk Garden	DR. W. C. ELLIOTT	Lebanon
Scott	R. V. WOLFE, JR.	Gate City	DR. W. H. PERRY	Gate City
Shenandoah	H. F. BYRD, JR.	Winchester	WILBUR O. RILEY	Woodstock
Smyth	THOMAS C. PHILLIPS	Abingdon	W. R. ROUSE	Marion
Southampton	M. E. GODWIN, JR.	Suffolk	S. E. POPE	Drewryville
Spotsylvania	HAROLD H. PURCELL	Louisa	F. B. GOULDMAN	Fredericksburg
Stafford	B. T. NEWTON	Hague	F. P. MONCURE	Stafford
Surry	GARLAND GRAY	Waverly	P. I. LEADBETTER	Hopewell
Sussex	GARLAND GRAY	Waverly	L. C. HARRELL, JR.	Emporia
Tazewell	H. C. STUART	Elk Garden	G. W. DALTON	Richlands
Warren	G. S. ALDHIZER, II	Broadway	C. D. PRICE	Stanley
Washington	THOMAS C. PHILLIPS	Abingdon	H. S. CARTER	Bristol
			F. C. BUCK	Abingdon
Westmoreland	B. T. NEWTON	Hague	W. T. MURPHY	Warsaw
Wise	M. M. LONG	St. Paul	J. L. CAMBLOS	Big Stone Gap
			O. L. CANTRELL	Pound
Wythe	D. W. BIRD	Bland	N. W. PENDLETON	Wytheville
York	W. M. MINTER	Mathews	R. M. CARNEAL	Williamsburg

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Cities	Senators	P. O. Address	Delegates	P. O. Address
Alexandria	A. L. Boothe	Alexandria	J. M. Thomson	Alexandria
Bristol	Thos. C. Phillips	Abingdon	H. S. Carter	Bristol
			F. C. Buck	Abingdon
Buena Vista	S. B. Carter	Fincastle	B. G. Locher	Glasgow
Charlottesville	E. O. McCue, Jr.	Charlottesville	W. R. Hill	Charlottesville
Clifton Forge	S. B. Carter	Fincastle	H. R. Webber	Low Moor
Colonial Heights	L. C. Bird	Richmond	E. M. Hudgins	Richmond
			Minetree Folkes, Jr.	Richmond
Covington	S. B. Carter	Fincastle	H. R. Webber	Low Moor
Danville	W. F. Stone	Martinsville	C. S. Wheatley	Danville
	L. R. Wyatt	Danville		
Falls Church	J. A. K. Donovan	Falls Church	O. L. Hirst	Annandale
			J. C. Webb	Fairfax
Fredericksburg	Harold H. Purcell	Louisa	F. B. Gouldman	Fredericksburg
Galax	S. F. Landreth	Galax	Dr. J. C. Moxley	Independence
			J. H. Poff	Floyd
Hampton	S. E. Hallett	Hampton	E. R. James	Hampton
Harrisonburg	G. S. Aldhizer, II	Broadway	L. H. Hoover	Harrisonburg
			C. W. Wampler, Jr.	Harrisonburg
Hopewell	Garland Gray	Waverly	P. I. Leadbetter	Hopewell
Lynchburg	M. G. Perrow, Jr.	Lynchburg	T. R. Glass	Lynchburg
			E. M. Brown	Lynchburg
Martinsville	F. P. Burton	Stuart	R. L. Clark	Stuart
	L. R. Wyatt	Danville	A. L. Philpott	Bassett
Newport News	S. E. Hallett	Hampton	C. K. Hutchens	Newport News
	W. M. Minter	Mathews	L. A. McMurran, Jr.	Newport News
			G. H. Hill	Newport News
Norfolk	E. L. Breeden, Jr.	Norfolk	Delamater Davis	Norfolk
	R. F. Baldwin, Jr.	Norfolk	J. P. Harper	Norfolk
			T. C. Pilcher	Norfolk
			J. F. Rixey	Norfolk
			J. W. Roberts	Norfolk
			T. D. Savage, Jr.	Norfolk
Norton	M. M. Long	St. Paul	J. L. Camblos	Big Stone Gap
			O. L. Cantrell	Pound
Petersburg	J. H. Temple	Petersburg	A. H. Richardson	Dinwiddie
			W. R. Smith	Petersburg
Portsmouth	W. B. Spong, Jr.	Portsmouth	Inez D. Baker	Portsmouth
			W. J. Moody	Portsmouth
Radford	Ted Dalton	Radford	Charlotte C. Giesen	Radford
Richmond	E. B. Sydnor, Jr.	Richmond	G. E. Allen, Jr.	Richmond
			F. Bemiss	Richmond
			E. T. Carlton	Richmond
	Dr. E. E. Haddock	Richmond	E. E. Lane	Richmond
			F. G. Pollard	Richmond
	E. E. Willey	Richmond	H. H. Dervishian	Richmond
			T. N. Parker, Jr.	Richmond
Roanoke	E. A. Fitzpatrick	Roanoke	J. H. Rutherfoord, Jr.	Roanoke
			Kossen Gregory	Roanoke
South Norfolk	G. F. Marsh	Portsmouth	C. B. Cross, Jr.	Portsmouth
			W. T. Leary	Portsmouth
Staunton	Curry Carter	Staunton	G. M. Cochran	Staunton
			F. E. Edmunds	Waynesboro
Suffolk	M. E. Godwin, Jr.	Suffolk	W. E. Cohoon	Suffolk
			S. T. Holland	Windsor
Virginia Beach	E. A. Ames, Jr.	Onancock	H. B. Davis	Norfolk 2
Waynesboro	Curry Carter	Staunton	F. E. Edmunds	Waynesboro
			G. M. Cochran	Staunton
Williamsburg	W. M. Minter	Mathews	R. M. Carneal	Williamsburg
Winchester	H. F. Byrd, Jr.	Winchester	E. B. Moore	Berryville

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LIST OF BILLS APPROVED SHOWING CHAPTER NUMBERS

House						Senate					
H. B. No.	*Chap. No.*	*H. B. No.*	*Chap. No.*	*H. B. No.*	*Chap. No.*	*S. B. No.*	*Chap. No.*	*S. B. No.*	*Chap. No.*	*S. B. No.*	*Chap. No.*
1	3	40	96	78	63	8	12	22	32	43	54
2	1	41	43	79	24	11	20	25	51	46	70
3	4	43	44	81	87	13	39	26	69	47	83
4	5	44	25	82	88	14	40	27	79	48	55
5	2	45	56	83	89	15	31	28	52	49	94
6	21	46	57	84	90	16	26	29	27	51	84
7	13	47	36	85	23	17	93	31	80	52	95
8	6	48	58	86	91	18	41	32	53	53	85
11	7	50	71	87	64	19	49	33	81		
12	8	55	59	89	65	20	68	35	28		
13	9	56	33	92	73	21	50	36	30		
15	10	58	86	96	74			42	82		
16	11	59	60	97	75						
17	14	60	61	98	76						
22	15	63	37	99	77						
23	22	65	45	103	66						
24	16	68	72	105	78						
25	17	69	46	106	92						
26	18	70	47	107	67						
28	19	71	48								
32	34	72	38								
34	42	74	29								
35	35	77	62								

SUMMARY OF BILLS

Introduced in the House.....	107	Passed both houses.....	66
Introduced in the Senate.....	53	Passed both houses.....	31
Totals.....	160		97

Failed to become law because not approved by Governor..... 1

Bills enacted into law..... 96

CHAPTERS..... 96

Failed to become law because not approved by the Governor:

H. B. 90—Reciprocal cancellation of written contracts with public school teachers.

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INDEX

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Page

ACKNOWLEDGMENTS
Validating those taken before notary failing to qualify, amending § 55-134.1 196

ACTS OF ASSEMBLY
Effective date 269

AGING, COMMISSION ON THE
Study and report on certain facilities for the aged and incapacited, H. J. R. 30 272

ALBEMARLE COUNTY
County budgets, appropriations, when and how made, hearings, etc., amending § 15-288 153
Expenditure of funds for water supply for agricultural and industrial development 91

ALLEGHANY COUNTY, VA. AND MONROE COUNTY, W. VA.
Boundary line, establishing and marking, effective on appropriate legislation by Congress 122

AMHERST COUNTY
Dumps for waste material, increasing acreage, amending § 15-707.... 112

APPROPRIATION ACT OF 1958
Amending § 3, appropriating additional monies from general fund for educational purposes, tuition grants, etc..... 4
Amending § 3, appropriating monies for scholarships and administration of Placement Board of Appeals and to provide for tuition grants, also appropriation to Potomac River Fisheries Commission 198
No limitation of expenditure of funds under Item 492 (Colonial Beach), except must be matched by local funds..... 197

ARLINGTON COUNTY
Clerks of courts, offices closing on legal holidays, amending § 17-41 147
County budgets, appropriations, when made, hearings, etc., amending § 15-353 153

ATTACHMENT
Powers of Committee on Offenses Against the Administration of Justice as to, amending § 30-47..... 115

AUGUSTA COUNTY
Dumping grounds, increasing acreage, amending § 15-707..... 87
Expenditure of funds for water supply for agricultural and industrial development 91

BAIL COMMISSIONERS
Permissive increasing number in Newport News, amending § 19-92.1 147

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BANKING AND FINANCE Page

Bank investments, including stock of Small Business Investment Company, amending § 6-51 84
Banks closing on Saturday in Bristol and Craig County, amending § 2-20.1 85
Banks closing on Saturday in Bedford County, amending § 2-20.1.... 148
Banks closing on Saturday in Bluefield, amending § 2-20.1..... 150

BEDFORD COUNTY

Banks closing on Saturday, amending § 2-20.1 148

BLUEFIELD

Banks closing on Saturday, amending § 2-20.1 150

BOND ISSUES

Educational institutions for Federal aid, debt service reserve, repayment, amending § 23-19 143

BRISTOL

Banks closing on Saturday, amending § 2-20.1 85

CAROLINE COUNTY

Migratory waterfowl, unlawful to hunt from floating blinds, penalty, amending 1942 Act 108

CHAPTER NUMBER OF ACTS

Shown with bill numbers 286

CHARLOTTESVILLE

Assessment of real estate, transferring duties to assessor and appointing board 137
Housing authorities, referendum as to certain construction and contracts, adding § 36-19.3 197

CHESAPEAKE BAY BRIDGE AND TUNNEL COMMISSION

Changing names of Chesapeake Bay Ferry Commission to, also District, and raising interest rate to 6%, amending 1956 Act..... 96

CLERK OF HOUSE OF DELEGATES

Authority to certify Code sections and providing for certain joint resolutions to be published with Acts, amending §§ 30-13, 30-14.... 190

CLERKS OF COURTS OF RECORD

Offices, legal holiday closing in Portsmouth and Arlington, amending § 17-41 147

CLINCH VALLEY COLLEGE

Constituting division of University of Virginia..... 143

CODE COMMISSION

Assigning or changing Code sections in certain Acts..... 301
Expending appropriation for payment of replacement volume of Code of Virginia 84

CODE OF VIRGINIA

Amending § 2-20.1, banks closing on Saturday in Bristol and Craig County 85
Amending § 2-20.1, banks closing on Saturday in Bedford County 148
Amending § 2-20.1, banks closing on Saturday in Bluefield..... 150

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		Page
CODE OF VIRGINIA—Continued		
Amending § 6-51,	bank investments, including stock of Small Business Investment Company	84
Amending § 8-182,	juries, increasing number on list in Newport News	146
Amending §§13.1-94, 13.1-128,	corporations, dissolution, liquidation of assets, applicability of Title 13.1 to all corporations	139
Amending § 14-56.1,	supervisors, compensation after 1/1/60	133
Amending §15-16.1,	counties, cities and towns, donations or gifts to certain nonprofit recreational associations, validating prior donations or gifts	113
Amending §§15-288, 15-320, 15-353, 15-370, 15-395, 15-551.3, 15-575, 15-576, 15-577, 15-579, 15-584, 15-585,		
Repealing §15-582,	county, city and town budgets, appropriations, hearings, etc	153
Amending §15-666.16,	State Commission on Local Debt, advice to all political subdivisions on request, enlarging scope	123
Adding §§15-666.69 –15-666.76,	education, county school boards borrowing money from Va. Supplemental Retirement System, for school construction	123
Amending §15-707,	counties acquiring dumping grounds, increasing amount of acreage in Augusta County	87
Amending §15-707,	county dumps, acreage for, increasing in Amherst and Nelson counties	112
Amending §16.1-201,	detention homes by counties and cities, period of availability to determine reimbursement costs	110
Amending §17-41,	clerks of courts, legal holiday closing offices in Portsmouth and Arlington County	147
Adding §18-151.1	unlawful, threat to bomb, burn, destroy buildings, structures or places of assembly	76
Amending §19-92.1,	bail commissioners, number in Newport News	147
Amending §§22-55, 22-60, 22-72, 22-73, 22-78, 22-97, 22-126, 22-127, 22-128, 22-130, 22-132, 22-133, 22-141,		
Adding §§22-120.3 –22-120.5,		

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Page

CODE OF VIRGINIA—Continued

Repealing §§22-121, 22-122, 22-123, 22-124, 22-125, 22-127.1, 22-129, 22-131, 22-139, 22-139.1, education, school budgets, estimates, purposes for which used, referendums, etc 178

Amending §§22-89, 22-90, Adding §22-89.1, education, school trustees in Norfolk City, appointment, terms, etc., deleting Richmond City from general provisions..... 177

Amending §§22-108 22-110, Literary Fund loans on real estate, title, certificate of examining attorney as to 111

Repealing §§22-115.1 –22-115.21, education, tuition grants, abolishing previous provisions and providing for new provisions as to scholarships 132

Amending §§22-115.10, 22-115.12, 22-115.13, 22-115.19, Repealing §22-115.15 education, tuition grants by localities, funds, methods 3

Repealing §22-120.1, education, county school boards borrowing money from Va. Sup. Retirement System 127

Repealing §§22-188.3 –22-188.15, education, closing schools and establishing responsibility of Commonwealth under certain circumstances, repealing Ch. 68, Ex. 1956 Acts 177

Repealing §§22-188.30 –22-188.40, education, abolishing Ch. 69, Ex. 1956 Acts, as to State-established school systems in cases of emergencies 176

Repealing §§22-188.41 –22-188.45, education, closing schools policed under Federal authority, repealing Ch. 41, 1958 Acts 176

Repealing §§22-188.46 –22-188.49, education, closing schools disturbed by Federal policing, repealing Ch. 319, 1958 Acts 176

Amending §22-219, Repealing §§22-194, 22-196, education, tuition costs, not to exceed total per capita costs 186

Repealing §22-253.2, education, enrollment of pupils, exception as to white and colored children, repealing Ch. 59, Ex. 1956 Acts..... 4

Repealing §§22-251 –22-275, education, compulsory school attendance, and repealing Ch. 59, Ex. 1956, codified as § 22-253.2 4

Amending §23-19, bonds of educational institutions for Federal aid, debt service reserve, repayment..... 143

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Page

CODE OF VIRGINIA—Continued

Amending §24-345.3, elections, declaration of candidates, printing of names on ballots 91

Amending §29-184.1, dogs, license taxes in New Kent County..... 98

Amending §29-184.2, dog laws, enforcement by dog wardens in counties, deleting Lee County from exceptions 88

Amending §29-184.2, Adding §29-184.4, dog laws, enforcement by dog wardens and local ordinances, and deleting Lee County from exceptions 187

Amending §29-202, dogs killing livestock and poultry, compensation, legal remedies, including King George in certain provisions..... 90

Amending §§30-13, 30-14, Keeper of the Rolls, authority to certify Code sections and providing for certain resolutions to be shown in Acts 190

Amending §30-47, Committee on Offenses Against the Administration of Justice, powers of attachment 115

Amending §32-392, State Nurses Training Facilities Construction Act, defining "nurse training facility".... 116

Amending §33-308, outdoor advertisements, permits, legal right of town of Chincoteague as to certain land 92

Adding §36-19.3, housing authorities, referendum as to certain construction in Charlottesville 197

Adding §37-34.2:8, Hospital Board to negotiate with Smyth Co. as to conveyance of certain real estate 111

Adding §37-34.2:9, State Hospital Board disposing of property or portion thereof in Augusta and Amherst Counties 192

Amending §38.1-286, insurance premiums, collection by promissory notes 89

Amending §38.1-381, insurance policies or contracts on motor vehicles for bodily injury or property damage, definition of "uninsured motor vehicle" and "bodily injury" 117

Amending §38.1-381, insurance policies or contracts on motor vehicles for bodily injury or property damage, definition of "uninsured motor vehicle" and "bodily injury", service of process on insurance company 163

Amending §§38.1-456, 38.1-465, 38.1-466, Adding §§38.1-465.1, 38.1-468.1, insurance, new mortality tables 119

Amending §46.1-65, motor vehicles, local license fees, including Smyth County as to revenue for schools 136

Amending §§46.1-65, 46.1-66, motor vehicles, local license fees and taxes, limitation as to imposition of certain town fees and taxes 94

Amending §46.1-155, motor trailers, license fees for those carrying boats 85

Amending §46.1-155, motor vehicles, trailers, exceptions as to license taxes 95

Amending §46.1-276, motor vehicles, lights on parked cars, permitting amber as well as white..... 192

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Page

CODE OF VIRGINIA—Continued

Amending §46.1-280, motor vehicles, towed vehicles, excepting farm tractor and certain other vehicles from provisions 93
Amending §46.1-280, motor vehicles, trailers, brakes, excepting certain farm vehicles from provisions..... 195
Amending §46.1-343, motor vehicles, permits for excessive size and weight 195
Amending §51-111.24, Va. Sup. Retirement System lending money to county school boards for school construction 126
Amending §51-111.54, Va. Sup. Retirement Act, retirement age, exceptions 142
Amending §51-112, county and city pension and retirement benefits, exempt from State and local taxation 141
Amending §54-1, State agencies filing copies of examinations with Secretary of Commonwealth, excepting Board of Medical Examiners from requirement 197
Amending §54-445, dangerous drugs, to whom sold at wholesale 193
Amending §54-500, narcotic drugs, records of physicians, dentists, veterinarians, etc., omitting "heroin" 193
Amending §54-504, narcotic drugs, records in registry book..... 194
Amending §55-119, deeds by corporations, seal attested by assistant secretary 116
Amending §55-134.1, acknowledgments taken before notary failing to qualify, validating 196
Amending §56-291.4, taxicabs, licenses in certain counties and towns, including Culpeper 114
Amending §58-78, taxation, income taxes, exempting interest on certain obligations issued by educational institutions 178
Amending §58-355, license taxes on machines operated on the coin-in-the-slot principle, imposing on laundry and ironing machines 189
Amending §§58-839, 58-844,
Adding §58-846.1, county, city, town and district levies, when fixed, notice as to increases 130
Amending §§58-921, 58-925, 58-928 county levies, treasurers' duties as to appropriated funds, copies, etc. 128

COMMITTEE ON OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE
Attachment, powers of, amending § 30-47..... 115

CORPORATIONS
Deeds by, seal attested by assistant secretary, amending § 55-119— 116
Dissolution, liquidation of assets, applicability of Title 13.1 to all corporations, amending §§ 13.1-94, 13.1-128 139

COUNTIES
County levies, duties of treasurers as to appropriated funds, copies, etc., amending §§ 58-921, 58-925, 58-928 128
Dumping grounds, increasing amount of acreage in Augusta County, amending § 15-707 87
Dumping grounds, increasing acreage in Nelson and Amherst Counties, amending § 15-707 112
Supervisors, compensation after 1/1/60, amending § 14-56.1 133

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Page

COUNTIES AND TOWNS
Expenditures for providing public water supply for agricultural and industrial development in Albemarle, Augusta and Louisa counties 91

COUNTIES, CITIES AND TOWNS
Budgets, appropriations, when and how made, hearings, etc., amending §§ 15-288, 15-320, 15-353, 15-370, 15-395, 15-551.3, 15-575, 15-576, 15-577, 15-579, 15-584, 15-585, repealing § 15-582 153
County, city, town and district levies, when fixed, notice as to increases, amending §§ 58-839, 58-844, adding § 58-846.1 130
Donations or gifts to certain nonprofit recreational associations, validating prior gifts and donations, amending § 15-16.1 113
Pension and retirement benefits exempt from State and local taxation, amending § 51-112 141

CRAIG COUNTY
Banks closing on Saturday, amending § 2-20.1 85

CRIMES AND OFFENSES
Unlawful, threat to bomb, burn, destroy buildings, structures or places of assembly, penalty, adding § 18-151.1 76

CULPEPER COUNTY
Taxicabs, license taxes, amending § 56-291.4 114

DEEDS AND DEEDS OF TRUST
Deeds by corporations, seal attested by assistant secretary, amending § 55-119 116

DELEGATES
List showing postoffice, residence, telegraph office and district represented 279
List showing seat arrangement 282
Officers and employees 281

DICKENSON COUNTY
Authorizing school board to purchase and operate school bus to transport students to Clinch Valley College 99

DRUGS AND DRUGGISTS
Dangerous drugs, to whom sold at wholesale, amending § 54-445 193
Narcotic drugs, records of physicians, dentists, etc, omitting "heroin", amending § 54-500 193
Narcotic drugs, records in registry book, amending § 54-504 194

EDUCATION
Appropriation Act of 1958, amending § 3, tuition grants to localities 4
Appropriation Act of 1958, amending § 3, appropriating monies for scholarships and administration of Placement Board of Appeals and providing for tuition grants 198
Buildings in counties, cities and towns may be used for school purposes 186
Closing schools when orderly administration disrupted or policing by Federal authority 110
Closing schools and establishing responsibility of Commonwealth under certain circumstances, repealing Ch. 68, Ex. 1956 Acts, codified as §§ 22-188.3 thru 22-188.15 177
Closing schools disturbed by Federal policing, repealing Ch. 319, 1958 Acts, codified as §§ 22-188.46 thru 22-188.49 176

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Page

EDUCATION—Continued

Closing schools policed under Federal authority, repealing Ch. 97, 1958 Acts, codified as §§ 22-188.41 thru 22-188.45 176
Compulsory school attendance of certain children between the ages of 7 and 16, penalties 170
Compulsory school attendance laws, abolishing, repealing §§ 22-251 thru 22-275, and Ch. 59, Ex. 1956, codified as § 22-253.2 4
County school boards borrowing money from Va. Supplemental Retirement System for school construction, amending § 51-111.24 126
County school boards borrowing from Va. Supplemental Retirement System for school construction, adding §§ 15-666.69 thru 15-666.76 123
County school boards borrowing money from Va. Supplemental Retirement System, repealing § 22-120.1 127
Creating commission to study feasibility of educational television, H. J. R. 17 271
Literary Fund loans on real estate, title, certificate of examining attorney as to encumbrances, amending §§ 22-108, 22-110 111
Operation of State-established system of education in cases of emergencies, abolishing provisions, repealing Ch. 69, Ex. 1956 Acts, codified as §§ 22-188.30 thru 22-188.40 176
Pupil placement by State Board of Education, initial placement by local boards, appeals, etc. 165
Referendums as to need for school properties 151
School budgets, estimates, purposes for which used, referendums, etc., amending §§ 22-55, 22-60, 22-72, 22-73, 22-78, 22-97, 22-126, 22-127, 22-128, 22-130, 22-132, 22-133, 22-141, adding §§ 22-120.3 thru 22-120.5, repealing §§ 22-121, 22-122, 22-123, 22-124, 22-125, 22-127.1, 22-129, 22-131, 22-139, 22-139.1 178
School trustees in Norfolk City, appointment, terms, etc., and deleting Richmond City from general provisions, amending §§ 22-89, 22-90, adding § 22-89.1 177
State Board to convey certain property in Farmville 114
Teachers repaying State scholarships by teaching in nonsectarian private schools 128
Transportation of children attending nonsectarian private schools, or allotting funds for such and permitting localities to appropriate thereto 127
Tuition costs not to exceed per capita costs, amending § 22-219, repealing §§ 22-194, 22-196 186
Tuition grants, abolishing provisions and providing for new provisions as to scholarships, repealing §§ 22-115.1 thru 22-115.21 131
Tuition grants by localities, funds, method, amending §§ 22-115.10, 22-115.12, 22-115.13, 22-115.19, repealing § 22-115.15 3
Tuition grants, unlawful use, penalty 83

EDUCATIONAL INSTITUTIONS

Bond issues for Federal aid, debt service reserve, repayment, amending § 23-19 143
Dickenson County school board purchasing and operating bus for transportation of students to Clinch Valley College 99
Obligations issued by, exempting interest from on income taxes, amending § 58-78 173

EFFECTIVE DATE OF ACTS

Note 269

ELECTIONS

Declaration of candidates and printing of names on ballots, amending § 24-345.3 91
Registration of voters, reregistration, deleting Norfolk City from provisions, amending 1944 Act 87

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Page

ELECTIONS—Continued
Registration of voters, extending time for reregistration in Richmond City 108

ESSEX COUNTY
Migratory waterfowl, increasing penalty to hunt from floating blind, amending 1942 Act 108

FAIRFAX COUNTY
County budgets, appropriations, where and how made, hearings, etc., amending § 15-288 153

FARMVILLE
State Board of Education to convey certain property in Farmville.... 114

FAUQUIER COUNTY
Proclaiming May 1, 1959 legal holiday..... 84

FISH, OYSTERS AND SHELLFISH
Potomac River Fisheries Commission compact with Maryland for conservation and improvement of fishery resources of tidewater portion of Potomac River, establishment of 77
Potomac River Fisheries Commission, compact with Maryland, amending above Act 100
Virginia Fisheries Laboratory, appropriating additional funds for certain capital outlay and operating purposes..... 151

GAME AND INLAND FISHERIES
Dogs killing livestock and poultry, compensation, legal remedies, including King George in certain provisions, amending § 29-202.... 90
Dogs, license taxes in New Kent County, amending § 29-184.1..... 98
Dog laws, enforcement by dog wardens, removing Lee County from exceptions, amending § 29-184.2 88
Dog laws, enforcement by dog wardens and local ordinances, and deleting Lee County from exceptions, amending § 29-184.2, adding § 29-184.4 187
Game fish in Russell County, season for gigging fixed by governing body, amending 1934 Act 92
Waterfowl, migratory, unlawful to hunt from floating blinds in Essex and Richmond Counties, including Caroline and King George in provisions and increasing penalties, amending 1942 Act..... 108

GENERAL ASSEMBLY
Adjournment sine die, April 24, 1959 269
List of counties and cities showing names and addresses of Senators and Delegates 283

GOVERNOR
Selling property in Hampton no longer needed by Division of Motor Vehicles, proceeds for highways 99

HAMPTON
Governor to sell property no longer needed by Division of Motor Vehicles, proceeds for highways 99

HENRICO COUNTY
County budgets, appropriations, when and how made, hearings, etc., amending § 15-320 153

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Page

HIGHWAYS
Outdoor advertisements, permits, legal right of Chincoteague as to certain land, amending § 33-308 92

HOSPITAL BOARD, STATE
Disposing of property or portion thereof in Augusta and Amherst Counties, adding § 37-34.2:9 192
Negotiating with Smyth County as to conveyance of certain real estate, adding § 37-34.2:8 111

HOSPITALS
State Nurses Training Facilities Construction Act, defining "Nurse training facility", amending § 32-392 116

HOUSE OF DELEGATES
Members, postoffice, residence, telegraph office and district represented 279
Members, seating arrangement 282
Officers and employees 281

HOUSING AUTHORITIES
Referendum as to certain construction and contracts in Charlottesville, adding § 36-19.3 197

INSURANCE
Contracts, collection of premiums by promissory notes, amending § 38.1-286 89
Mortality tables, provisions for new tables, amending §§ 38.1-456, 38.1-465, 38.1-466, adding §§ 38.1-465.1, 38.1-468.1..... 119
Motor vehicle liability insurance contracts or policies, definition of "uninsured motor vehicle" and "bodily injury", amending § 38.1-381 117
Motor vehicle liability insurance contracts or policies, definition of "uninsured motor vehicle" and "bodily injury", service of process on insurance company, amending § 38.1-381 163

JURIES
Jury lists, increasing number on list in Newport News, amending § 8-182 146

JUVENILE AND DOMESTIC RELATIONS
Detention homes by counties and cities, period of availability to determine reimbursement costs, amending § 16.1-201 110

KEEPER OF THE ROLLS OF THE STATE
Authority to certify Code sections and providing for certain joint resolutions to be published with Acts, amending §§ 30-13, 30-14.... 190

KING GEORGE COUNTY
Dogs killing livestock and poultry, compensation, legal remedies, amending § 29-202 90
Migratory waterfowl, unlawful to hunt from floating blind, penalty, amending 1942 Act 108

LAUNDRIES
License taxes, imposition on coin-in-the-slot machines for washing and ironing, amending § 58-355 189

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LEE COUNTY
Dog laws, enforcement by dog wardens, deleting from exceptions, amending § 29-184.2 88
Dog laws, enforcement by dog wardens and local ordinances, deleting from exceptions, amending § 29-184.2, adding § 29-184.4 187

LITERARY FUND
Loans on real estate, title, certificate of examining attorney as to encumbrances, amending §§ 22-108, 22-110 111

LOCAL DEBT, STATE COMMISSION ON
Advice to political subdivisions on request, enlarging scope, amending § 15-666.16 123

LOUISA COUNTY
Expenditure of funds of county and town in county for water supply for agricultural and industrial development..... 91

MEDICAL EXAMINERS, BOARD OF
Excepting from requirement to file copies of examinations with Secretary of Commonwealth, amending § 54-1..... 197

MENTAL HYGIENE AND HOSPITALS, DEPT. OF
Commissioner and superintendents, listed 274

MONROE COUNTY, W. VA.
Boundary line between Alleghany County, establishing..... 122

MOTOR VEHICLES
Liability insurance contracts or policies, definition of "uninsured motor vehicle" and "bodily injury", amending § 38.1-381..... 117
Liability insurance contracts or policies, definition of "uninsured motor vehicle" and "bodily injury", service of process on insurance company, amending § 38.1-381 163
Local license fees and taxes by counties, cities and towns, limitation as to certain town fees and taxes, amending §§ 46.1-65, 46.1-66.... 94
Local license fees, including Smyth County as to revenue for school, amending § 46.1-65 136
Parked motor vehicles, lights on, permitting amber as well as white, amending § 46.1-276 192
Permits for excessive size and weight, amending § 46.1-343..... 195
Requesting Virginia State Bar and Virginia State Bar Association to aid VALC to study problem of drunken driving and statutes as to, H. J. R. 15 270
Taxicabs, licenses in certain counties and towns, including Culpeper, amending § 56-291.4 114
Towed vehicles, excepting farm tractors and certain other vehicles from certain provisions, amending § 46.1-280 93
Trailers, license fees for those carrying boats, amending § 46.1-155.... 85
Trailers, brakes, excepting certain farm vehicles from provisions, amending § 46.1-280 195
Trailers, excepting certain vehicles as to license taxes, amending § 46.1-155 95

NELSON COUNTY
Dumps for waste material, increasing acreage, amending § 15-707.... 112

NEW KENT COUNTY
Dogs, license taxes, amending § 29-184.1 98

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Page

NEWPORT NEWS
Bail commissioners, increasing number, amending § 19-92.1 147
Jury list, increasing number, amending § 8-182 146

NORFOLK CITY
Registration of voters, reregistration, deleting from provisions, amending 1944 Act 87
School trustees, appointment, terms, etc., amending §§ 22-89, 22-90, adding § 22-89.1 177

NOTARIES PUBLIC
Validating acknowledgments taken before notary failing to qualify, amending § 55-134.1 196

NURSES
State Nurses Training Facilities Construction Act, defining "Nurse training facility", amending § 32-392 116

OUTDOOR ADVERTISING
Permits, legal right of Chincoteague as to certain land, amending § 33-308 92

PORTSMOUTH
Clerks of courts, offices closing on legal holidays, amending § 17-41.... 147

POTOMAC RIVER FISHERIES COMMISSION
Compact with Maryland, amending 1785 Act 77
Compact with Maryland, amending above Act 100

PROPERTY AND CONVEYANCES
Deeds by corporations, seal attested by assistant secretary, amending § 55-119 116

RESOLUTIONS
Aging, Commission on, to study certain facilities for aged and incapacited, H. J. R. 30 272
Drunken driving, Va. State Bar and Va. State Bar Association to study problem, H. J. R. 15 270
Educational television, creating commission to study feasibility, H. J. R. 17 271

RETIREMENT ACT, VIRGINIA SUPPLEMENTAL
Age of retirement, exceptions to rule, amending § 51-111.54..... 142
County school boards borrowing money from System for school construction, adding §§ 15-666.69 thru 15-666.76 123
County school boards borrowing money from System for school construction, amending § 51-111.24 126
County school boards borrowing money from System, repealing § 22-120.1 127

RETIREMENT AND PENSION SYSTEMS
County and city systems, exempting benefits from State and local taxation, amending § 51-112 141

RICHMOND CITY
Reregistration of voters, extending time for 108
School trustees, appointment, etc., deleting from general provisions, amending § 22-89 177

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Page

RICHMOND COUNTY
Migratory waterfowl, increasing penalty to hunt from floating blind, amending 1942 Act 108

RUSSELL COUNTY
Game fish, season for gigging fixed by governing body..... 92

SENATE
Members, postoffice, residence, telegraph office and district represented 275
Officers and employees 277
Seating arrangement 278

SESSION
Began January 28, 1959 1
Ended April 24, 1959 269

SLOT MACHINES
License taxes, to include laundries and ironing machines, amending § 58-355 189

SMYTH COUNTY
Hospital Board to negotiate with as to conveyance of certain real estate, adding § 37-34.2:8 111
Motor vehicle license fees, revenue for schools, amending § 46.1-65.... 136

STATE AGENCIES
Filing copies of examinations with Secretary of Commonwealth, excepting Board of Medical Examiners from requirement, amending § 54-1 197

STATE COMMISSION ON LOCAL DEBT
Advice to political subdivisions on request, enlarging scope, amending § 15-666.16 123

STATE OFFICIALS
Listed 273

STUDY COMMISSIONS
Aging, Commission on, to study facilities for the aged and incapacitated, H. J. R. 30 272
Drunken driving, Va. State Bar and Va. State Bar Association to study problems, H. J. R. 15 270
Educational television, creating Commission to study feasibility, H. J. R. 17 271

SUMMARY OF BILLS
Introduction, passed, approved and one that failed to become law because not approved by the Governor..... 286

SUPERINTENDENTS OF HOSPITALS
Listed 274

SUPERVISORS
Compensation after 1/1/60, amending § 14-56.1 133

SUPREME COURT OF APPEALS
Justices, listed 274

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Page

TAXATION
Assessment of real estate in Charlottesville, transferring duties to assessor, appointment of board 137
County, city, town and district levies, when fixed, notice as to increases, amending §§ 58-839, 58-844, adding § 58-846.1..... 130
County levies, duties of treasurers as to appropriated funds, copies, etc., amending §§ 58-921, 58-925, 58-928..... 128
Exempting retirement and pension benefits of county, city and town employees from State and local taxation, amending § 51-112.... 141
Income taxes, exempting interest on certain obligations issued by educational institutions, amending § 58-78 173
License taxes on coin-in-the-slot machines, to include laundry and ironing machines, amending § 58-355 189

TELEVISION
Creating commission to study feasibility of educational television, H. J. R. 17 271

UNIVERSITY OF VIRGINIA
Constituting Clinch Valley College and Northern Virginia branch college as divisions of 143

VIRGINIA FISHERIES LABORATORY
Appropriating additional funds for certain capital outlay and operating purposes 151

VIRGINIA STATE BAR AND VIRGINIA STATE BAR ASSOCIATION
Study problem of drunken driving..... 270

WATER SUPPLIES
Expenditure for agricultural and industrial development in Albemarle, Augusta and Louisa Counties 91

WELFARE
Detention homes by counties and cities, period of availability to determine reimbursement costs, amending § 16.1-201 110

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CODE SECTION ASSIGNMENTS AND CHANGES

Since the adjournment of the Extra Session of 1959, the Code Commission has assigned or changed the following sections of the Code in the following Acts.

Assigned

§ 22-21.1	Ch. 80. use of public schools by person, firm or corporation operating a private elementary or high school.
§§ 22-115.22 — 22-115.28	Ch. 53, providing for scholarships for education of children in nonsectarian private schools.
§§ 22-161.1 — 22-161.5	Ch. 68, permitting referenda in counties, cities and towns as to need of real or personal school properties.
§§ 22-188.50, 22-188.51	Ch. 32, closing of public schools in any school district whenever orderly administration of education is disrupted due to the use of military forces, etc.
§§ 22-232.18 — 22-232.31	Ch. 71, placement of pupils by State Board of Education.
§§ 22-275.1 — 22-275.25	Ch. 72, compulsory education by counties, cities and certain towns.
§§ 22-294.1 — 22-294.3	Ch. 49, permitting school boards to provide transportation for children attending nonsectarian private schools.
§ 23-38.1	Ch. 50, permitting teachers to repay State scholarships by teaching in nonsectarian private schools.
§§ 23-91.1 — 23-91.4	Ch. 60, constituting Clinch Valley College and the Northern Virginia branch college, respectively, as divisions of the University of Virginia.
§§ 28-218.1 — 28-218.3	Ch. 28, Potomac River Fisheries Commission and Compact with Maryland.
§ 58-769.1	Ch. 56, assessment and equalization of real estate in Charlottesville, appointment of board, etc.

Changed

§ 37-34.2:1	Ch. 33, enacted as adding § 37-34.2:8, State Hospital Board disposing of certain real estate in Smyth County.
§ 37-34.2:1	Ch. 85, enacted as adding § 37-34.2:9, State Hospital Board disposing of certain surplus property in Augusta and Amherst Counties.

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ACTS

and

JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

Commonwealth of Virginia

REGULAR SESSION 1960

which commenced at the State Capitol, Richmond, on
Wednesday, January 13, 1960, and ended on
Monday, March 28, 1960

Department of Purchases
and Supply
Richmond
1960

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Acts of the General Assembly

CHAPTER 1

An Act to provide that Chapter 4.1 of Title 15 of the Code of Virginia, relating to procedure for obtaining new charters for municipal corporations or amending existing charters shall not apply to charter bills or amendments introduced during the nineteen hundred sixty session of the General Assembly.

[S 43]

Approved January 20, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The provisions of Chapter 4.1 of Title 15 of the Code of Virginia shall not apply to charter bills or amendments introduced during the session of the General Assembly commencing January thirteen, nineteen hundred sixty.

2. An emergency exists and this act is in force from its passage.

CHAPTER 2

An Act to authorize the Virginia State Hospital Board to negotiate with the Brunswick-Balke-Collender Company in regard to the conveyance of certain real estate now owned by the State Hospital Board and to authorize the State Hospital Board to convey the same real estate.

[H 17]

Approved February 9, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding the provisions of §§ 37-34.2:2 through 37-34.2:7 of the Code of Virginia, the State Hospital Board is authorized and empowered to negotiate with and, with the written approval of the Governor, to sell for such consideration and on such terms as it deems best, and to convey by proper deed executed by its chairman and under its seal, to the Brunswick-Balke-Collender Company, for expansion of its industrial plant in Marion, Virginia, all the right, title and interest of the Commonwealth of Virginia and such Board in and to a certain parcel of real estate described as follows: beginning at a point in the middle of Middle Fork of Holston River, said point being S 69° 27'W 202.55 feet from a known corner of Brunswick-Balke-Collender Co. property; thence leaving the river and for a division line following a proposed river change S 58° 27'W 1059.58 feet to a stake; thence turning to the right with the arc of a curve 165.92 feet to a stake, said curve having a delta of 80° 37' and a radius of 117.92 feet; thence leaving said curve N 41° 06'W 338.20 feet to a point in the middle of Middle Fork of Holston River and corner to Brunswick-Balke-Collender property; thence up said river and with line of Brunswick-Balke-Collender S 69° 15'E 218 feet to a point; thence N 82° 30'E 200 feet; thence N 69° 27'E 933.45 feet to the point of beginning; containing 3.44 acres, more or less, which real estate is the tract of land surveyed July 1959 by Joe T. Gollehon, C. S.

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2. All moneys accruing from the sale herein authorized shall be deposited in the State Treasury to the credit of the General Fund.
3. An emergency exists and this act is in force from its passage.

CHAPTER 3

AN ACT to provide for the creation of the Nansemond County Industrial and Port Authority; to provide for the composition, government, powers, duties and liabilities thereof and other matters pertaining thereto; and to provide for the issuance of certain bonds thereby, and the terms and conditions of such issuance.

[S 49]

Approved February 10, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. There may be created, in the manner hereinafter set forth, a political subdivision of the Commonwealth, with such public and corporate powers as are granted in this act, to be known as the Nansemond County Industrial and Port Authority, hereinafter called the Authority.

§ 2. The Authority may be created by ordinance duly adopted by the governing body of Nansemond County.

§ 3. The Authority shall be governed by a commission composed of five commissioners, appointed by the governing body of Nansemond County. All powers and duties of the Authority shall be exercised and performed by the commission.

§ 4. The five commissioners shall be appointed initially for terms of one, two, three, four and five years; subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. Each commissioner shall before entering on his duties take and subscribe the oath prescribed by § 49-1 of the Code of Virginia.

§ 5. The commissioners shall elect from their membership a chairman and vice chairman, and from their membership or not, as they desire, a secretary and a treasurer or secretary-treasurer. The commissioners shall receive no salary but shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties. The commission shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of all its financial transactions and shall arrange to have the same audited annually. Copies of each such audit shall be furnished to the governing body of Nansemond County and shall be open to public inspection.

§ 6. The Authority shall have the following powers:

(a) To contract and be contracted with; to sue and to be sued; and to adopt and use a corporate seal, and to alter the same at pleasure;

(b) To acquire, hold and dispose of personal property necessary for its purposes;

(c) To acquire by purchase or lease, real property, or rights, easements or estates therein necessary for its purposes; and to sell, lease and dispose of the same, or any portion thereof or interest therein;

(d) To acquire, lease, construct, maintain and operate, landings, wharves, docks and piers, and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise, to perform any and all services at said facilities in connection with the receipt, delivery,

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shipment and transfer in transit, weighing, marking, tagging, ventilating, fumigating, refrigerating, icing, storing and handling of goods, wares, and merchandise, to prescribe and collect charges from vessels coming into or using any landings, wharves, docks and piers, operated and maintained by the Authority and from persons using any of its other facilities, and to lease any and all of such facilities or any concessions properly incident thereto for the maintenance and operation of any or all thereof on such terms and conditions as it may deem proper.

(e) To maintain and operate a free port under such terms and conditions as may be prescribed by law.

(f) To construct for sale or lease, on such terms and conditions as it may deem proper, factories or manufacturing facilities of any kind and description and approaches to and appurtenances thereof.

(g) To fix and charge tolls, fees and any other charges for the use of, or for services rendered by, any of the facilities it is authorized hereunder to maintain and operate.

(h) To employ a director and such other agents and employees as may be necessary, to serve at the pleasure of the commission, and to fix their compensation and prescribe their duties.

(i) To do all other acts and things which may be reasonably necessary and convenient to carry out its purposes and powers.

§ 7. In selling, disposing of or leasing for a period of more than one year any of the facilities owned by the Authority, bids therefore shall be first advertised for by publication in one or more newspapers of general circulation published within the geographical boundaries of Nansemond County for at least five consecutive days. The Authority shall have the right to reject any and all bids.

§ 8. The County of Nansemond is authorized and empowered to make appropriations and to provide funds for the operation of the Authority.

§ 9. The Authority shall have the power to issue bonds from time to time in its discretion, for any of its purposes, including the payment or retirement of bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest: (a) from its revenues generally; (b) exclusively from the income and revenues of a particular "facility"; which term shall mean a particular building or structure or particular buildings or structures including all equipment, appurtenances and accessories necessary or appropriate for the operation of such facility; or (c) exclusively from the income and revenues of certain designated facilities whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government, Commonwealth of Virginia, or any political subdivision thereof, or a pledge of any income or revenues of the Authority, or a mortgage of any particular facility or facilities or other property of the Authority.

§ 10. Neither the commissioners of the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the Authority (and such bonds and obligations shall so state on their face) shall not be a debt of the Commonwealth or any political subdivision thereof and neither the Commonwealth nor any political subdivision thereof other than the Authority shall be liable thereon, nor shall such bonds or obligations be payable out of any funds or properties other than those of the Authority. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction. Bonds of the Authority are declared to be issued for an essential public and governmental purpose.

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§ 11. Bonds of the Authority shall be authorized by resolution adopted by the commission and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide. The bonds may be sold at public or private sale.

§ 12. In case any of the commissioners or officers of the Authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable within the meaning and for all the purposes of Chapter 10 of Title 6 of the Code of Virginia.

§ 13. In order to secure the payment of such bonds the Authority shall have power by provision or provisions included in any resolution authorizing such bonds or in any indenture made to secure their payment:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any facility or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(e) To covenant as to the rents and fees to be charged in the operation of a facility or facilities, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to

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covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenant securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by the Authority, to take possession and use, operate and manage any facility or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with said trustee; to provide for the powers and duties of a trustee or trustees or the holders of bonds or any proportion of them who may enforce any covenant or rights securing or relating to the bonds.

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of said Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

§ 14. An obligee of the Authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel the Authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and convenant contained in any contract of the Authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the Authority and the fulfilment of all duties imposed upon the Authority by this chapter.

(b) By suit, action or proceedings in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the Authority.

§ 15. The Authority shall fix and revise from time to time the rents, fees and other charges to be paid by persons for the use of the various facilities of the Authority and for any other service furnished or provided by the Authority. Such rents, fees and charges shall be fixed so as to provide at least sufficient funds to pay the cost of maintaining, repairing and operating such facilities and the principal and interest of any bonds issued by the Authority or other debts contracted as the same shall become due and payable. A reserve may be accumulated and maintained out of the revenues of such Authority for extraordinary repairs and expenses and for such other purposes as may be provided in any resolution authorizing a bond issue or in any trust indenture securing such bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or securing any of the bonds or other obligations issued hereunder, the Authority shall have exclusive control of the revenues derived from any facility or facilities operated and controlled by it and the right to use such revenues in the exercise of its powers and duties set forth in this section. No individual, firm, association or corporation shall receive any profit or dividend from the revenues, earnings or other funds or assets of such Authority other than for debts contracted, for services rendered, for materials and supplies furnished and for other value actually received by the Authority.

§ 16. In addition to the other powers conferred by this act, the Au-

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thority shall have the power to borrow money and to accept contributions, grants and other financial assistance from the federal government and agencies or instrumentalities thereof for or in aid of the construction and equipment of its facilities or the retirement or refunding of its bonds. To these ends the Authority shall have the power to comply with such conditions and to execute such mortgages, trust indentures and agreements as may be necessary, convenient or desirable.

§ 17. Nothing contained in this act shall be deemed to authorize the Authority to occupy or use any land, streets, buildings, structures or other property of any kind, owned or used by any political subdivision within its jurisdiction, or any public improvement or facility maintained by such political subdivision for the use of its inhabitants, without first obtaining the consent of the governing body thereof.

§ 18. The powers granted and the duties imposed in this act shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this act shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

2. An emergency exists and this act is in force from its passage.

CHAPTER 4

An Act to amend and reenact § 41 of Chapter 337 of the Acts of Assembly of 1948, approved March 31, 1948, which provided a new charter for the town of Pulaski, the amended section relating to the power of eminent domain of the town.

[H 159]

Approved February 10, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 41 of Chapter 337 of the Acts of Assembly of 1948, approved March 31, 1948, be amended and reenacted as follows:

§ 41. To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purposes of the said town, *and to have all the powers provided in § 15-77.60 to § 15-77.63, inclusive, of the Code of Virginia, as in force on January one, nineteen hundred sixty, which is incorporated herein by reference.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 5

AN ACT to amend and reenact § 55-59, as amended, of the Code of Virginia, relating to imposing and conferring upon the parties of every deed of trust certain duties, rights and obligations as if the same were expressly provided for by such deed.

[S 37]

Approved February 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 55-59, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 55-59. Every deed of trust to secure debts or indemnify sureties,

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except so far as may be therein otherwise provided, shall be construed to impose and confer upon the parties thereto, and the beneficiaries thereunder, the following duties, rights and obligations in like manner as if the same were expressly provided for by such deed of trust, namely:

(1) The deed shall be construed as given to secure the performance of each of the covenants entered into by the grantor as well as the payment of the primary obligation.

(2) The grantor shall be deemed to covenant that he will pay all taxes, levies, assessments and charges upon the property, including the fees and charges of such agents or attorneys as the trustee may deem advisable to employ at any time for the purpose of the trust, so long as any obligation upon the grantor under the deed of trust remains undischarged.

(3) The grantor shall be deemed to covenant that he will keep the improvements on the property in tenantable condition, whether such improvements were on the property when the deed of trust was given or were thereafter placed thereon.

(4) The grantor shall be deemed to covenant that no waste shall be committed or suffered upon the property.

(5) The grantor shall be deemed to covenant that in the event of his failure to meet any obligations imposed upon him then the trustee or any beneficiary may, at his option, satisfy the same; and the money so advanced with interest thereon shall be a part of the debt secured by the deed, in the event of sale to be paid next after the expenses of executing the trust, and shall be otherwise recoverable from the grantor as a debt.

(6) In the event of default in the payment of the debt secured, or any part thereof, at maturity, or in the payment of interest when due, or of the breach of any of the covenants entered into or imposed upon the grantor, then at the request of any beneficiary the trustee shall forthwith declare all the debts and obligations secured by the deed of trust at once due and payable and shall take possession of the property and proceed to sell the same at auction at the premises or at such other place as the trustee may select upon such terms and conditions as the trustee may deem best, after first advertising the time, place and terms of sale in such manner as the deed may provide, or, if none be provided, * *the trustee shall advertise* the time, place and terms of sale once a week for four successive weeks in a newspaper published or having general circulation in the county or city in which the property or some portion thereof is located *and may sell such property on the twenty-second day after the first advertisement or any day thereafter.* It *is* not * intended, however, to declare that other and different advertisement may not in any case be deemed reasonable, nor to prevent the trustee from giving the sale such additional advertisement as he deems advisable. No notice to the grantor or his successor in title shall be required unless required by the deed of trust. *Any sale of property held less than twenty-eight days after the date of the first publication made prior to July first, nineteen hundred sixty, in substantial conformity herewith is hereby validated.*

(7) If the property or some portion thereof is located in a city, or in a county immediately contiguous to a city of the first class, publication of the advertisement five different times in any newspaper published or having general circulation in such city or county (the last insertion if desired on the day of sale) shall be deemed adequate; it not being intended, however, to declare that other and different advertisement may not in any case be deemed reasonable, nor to prevent the trustee from giving the sale such additional advertisement as he may deem advisable. The advertisement and sale of property made prior to January one, nineteen hundred fifty-six, in substantial conformity herewith is hereby validated.

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(8) If the deed of trust itself provides a method of advertising, which may be done by using the words "advertisement required", or words of like purport, followed by the method agreed on, then no other or different advertisement shall be necessary, beyond what the deed calls for, though the trustee may in his discretion, give further advertisement.

(9) The trustee may postpone the sale at his discretion, in such case giving such notice by advertisement of such postponement as he may deem reasonable, and, without meaning to declare any other method unreasonable, when the advertisement is by publication in a newspaper the continuation thereof in subsequent issues of such newspaper with a note of such adjournment appended shall be deemed adequate in the absence of contrary provision in the deed of trust.

(10) The trustee may require of any bidder at any sale a cash deposit of not exceeding one hundred dollars, (unless the deed of trust specifies a different maximum, which may be done by the words "bidder's deposit of not more than ..... dollars may be required," or words of like purport), before his bid is received, which shall be refunded to the bidder unless the property is sold to him, otherwise to be applied to his credit in settlement or, should he fail to complete his purchase promptly, to be applied to pay the costs and expense of sale and the balance, if any, to be retained by the trustee as his compensation in connection with that sale.

(11) If the sale be upon credit terms the deferred purchase money shall bear interest from the day of sale and shall be secured by a deed of trust upon the property contemporaneous with the trustee's deed to the purchaser.

(12) The clerk of the court upon admitting to record the deed of such trustee conveying property held in trust shall note a reference to same on the margin of the deed book where the deed or other writing conveying the property to such trustee in trust is recorded, if the same can be found in his office.

(13) The trustee shall receive and receipt for the proceeds of sale, no purchaser being required to see to the application of the proceeds, and apply the same, first, to discharge the expenses of executing the trust, including a commission to the trustee of five per centum of the gross proceeds of sale; secondly, to discharge all taxes, levies, and assessment, with costs and interest, including the due prorata thereof for the current year; thirdly, to discharge in the order of their priority, if any, the remaining debts and obligations secured by the deed, with lawful interest; and, fourthly, the residue of the proceeds shall be paid to the grantor or his assigns; provided, however, that the trustee as to such residue shall not be bound by any inheritance, devise, conveyance, assignment or lien of or upon the grantor's equity, without actual notice thereof prior to distribution.

(14) Upon discharge of all the debts, duties and obligations imposed by the deed upon the grantor, including any expenses incurred preparatory to sale, then upon the grantor's request the trustee shall execute and deliver a good and sufficient deed of release at the grantor's own proper costs and charges.

Any sale of property located in a city, made under a deed of trust after first advertising the time, place and terms of sale once a week for four successive weeks in a newspaper published or having general circulation in such city, is validated, provided such sale was otherwise conducted according to law.

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CHAPTER 6

An Act to amend and reenact § 15-668.1 of the Code of Virginia, authorizing certain counties to enter upon and take possession of certain property for certain purposes prior to condemnation, and to provide for the compensation of owners.

[S 46]

Approved February 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-668.1 of the Code of Virginia be amended and reenacted as follows:

§ 15-668.1. (a) In addition to the exercise of the power of eminent domain, as provided hereinabove, every county having a density of population of more than * *four* thousand persons per square mile which now has or may hereafter be given such power is authorized to enter upon and take possession of such property and rights of way, for the * *purpose of laying out, constructing, altering, improving and lighting streets and alleys,* as the governing body thereof may deem necessary and proceed with the construction of such project.

(b) No property shall be entered upon and taken by any such county under condemnation proceedings unless, prior to entering upon and taking possession of such property or right of way, the governing body of such county notifies the owners of such property and rights of way by registered mail, that it intends to enter upon and take the same. Upon the passage of a resolution or ordinance providing for any such taking, such notice shall be sent forthwith on a date to be specified in such ordinance or resolution and the property owners affected shall have thirty days within which to contest the taking in such fashion.

(c) Within sixty days after the completion of such project, if the county and the owners of such lands are unable to agree as to compensation and damages, if any, caused thereby, the county shall institute condemnation proceedings, as provided in this article; and the amount of such compensation and damages, if any, awarded to the owner in such proceeding shall be paid by such county. The county shall pay to the landowner or into court or to the clerk thereof, for his benefit such sum as the governing body thereof estimates to be the fair value of the land taken and damage done, before entering upon such land for construction purposes, provided such payment shall in nowise limit the amount to be allowed under proper proceedings. It is the intention of this section to provide that such property and rights of way may, in the discretion of the governing body of the county be condemned after the construction of the project, as well as prior thereto, and to direct the fund out of which the judgment of the court in condemnation proceedings shall be paid, except that no property of any public service corporation, except lands required for drains, sewers or public ducts, shall be condemned except in accordance with §§ 15-749 to 15-754 and 25-233. But the authorities constructing such project under the authority of this section, shall use diligence to protect growing crops and pastures and to prevent damage to any property not taken. So far as possible all rights of way shall be acquired or contracted for before any condemnation is resorted to.

(d) Any owner of property or rights of way sought to be taken by any such county by entry upon and taking possession thereof, shall be given notice as provided in paragraph (b) of this section and shall have thirty days within which to contest the manner of such taking. Any such property owner desiring so to do may institute a proceeding in the

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circuit court of the county, wherein the condemnation proceedings are to be instituted, to determine whether or not such taking is of an emergency nature such as to justify resort to entry upon the land prior to an agreement between the county and the property owner as to compensation and damages to be paid therefor. Any other property owner affected may intervene. The members of the governing body of the county shall be served with notice as provided by law and shall be made parties defendant. Upon the bringing of any such proceeding the same shall be placed upon the privileged docket of the court and shall take precedence over all other civil matters pending therein and shall be speedily heard and disposed of. The issue in any such proceeding shall be whether or not the circumstances are such as to justify an entry upon and taking possession by the county of the property involved prior to an agreement upon compensation and damages therefor. If the court be of the opinion that no such emergency exists, and that such manner of taking would work an undue hardship upon any such owner, it shall enter an order requiring the county to proceed by methods of condemnation providing for the ascertainment of compensation and damages for property to be taken prior to such taking, if the county deems it necessary to proceed with the project for which the property is sought.

CHAPTER 7

An Act to amend and reenact §§ 5.07, 13.07.1, 17.11, 17.12, 17.16 and 17.17 of chapter 116 of the Acts of the General Assembly of 1948, providing a charter for the city of Richmond, as amended by chapter 251 of the Acts of 1950 and by chapter 64 of the Acts of 1954, relating to certain temporary appointments of officers; the disposition of certain gas, water and electric utility surplus funds; the power to grant special permits for the use of land, buildings and structures; the change of boundaries of zoning districts; and the number and duties of alternate members of the board of zoning appeals.

[H 15]

Approved February 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 5.07, 13.07.1, 17.11, 17.12, 17.16 and 17.17 of chapter 116 of the Acts of the General Assembly of 1948, as amended by chapter 251 of the Acts of 1950 and by chapter 64 of the Acts of 1954, be amended and reenacted as follows:

§ 5.07. Acting City Manager—*Acting Directors and Heads of Bureaus or Agencies.*—The council shall designate by ordinance the head of one of the departments to act as city manager in case of the absence, incapacity, death or resignation of the city manager, until his return to duty or the appointment of his successor. *The city manager shall designate from time to time an employee in each department or bureau or agency, the head of which is appointed by him, to act as director of the department or head of the bureau or agency in case of the absence, incapacity, death or resignation of the director or head of the bureau or agency, until his return to duty or the appointment of his successor, except as otherwise provided by this charter.*

§ 13.07.1 Transfer of Utility Surpluses.—* *The director of public utilities may submit to the city manager annually at the time estimates of revenue and expenditures are submitted, pursuant to the provisions of § 6.03 of this charter, a statement of the surplus, if any, which has accrued and which is estimated to accrue from the operation of each*

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utility during the current and ensuing fiscal year. At the time the city manager submits to the council the budgets provided for by chapter 6 of this charter, he may submit an estimate of the amount of such surplus. The council may, in its discretion by not less than six affirmative votes, at the beginning of or during the ensuing fiscal year transfer to the general fund or reserve fund for permanent public improvements the whole or any part of the amount of the surplus estimated by the city manager, provided such transfer shall not exceed such estimate. The surplus shall be determined by deducting from the actual or estimated cash receipts of each utility from all sources, actual or estimated, disbursements for operating expenses and for the amortization of any debt incurred by the city on account of any such utility.

§ 17.11. Uniformity of Regulations within a District—*Special Use Permits. (a)* The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout each district but the regulations and restrictions applicable in one district may differ from those provided for other districts.

(b) The council shall have the power to authorize by ordinance adopted by not less than seven affirmative votes the use of land, buildings, and structures in a district that does not conform to the regulations and restrictions prescribed for that district and to authorize the issuance of special use permits therefor, whenever it is made to appear that such special use will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air. No such ordinance shall be adopted until (1) the ordinance has been referred to the city planning commission for investigation of the circumstances and conditions upon which the council is empowered to authorize such use and until the commission has reported to the council the results of such investigation and its recommendations with respect thereto, and (2) until after a public hearing in relation to such ordinance is held by the council at which the persons in interest and all other persons shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be given by publication thereof in a daily newspaper of general circulation published in the city. The council shall have the power to require such other notice as it may deem expedient. The city planning commission may recommend and the council may impose such conditions upon the use of the land, buildings and structures as will, in its opinion, protect the community and area involved and the public from adverse effects and detriments that may result therefrom.

§ 17.12. Considerations to be Observed in Adoption and Alteration of Regulations.—The regulations and restrictions shall be enacted with reasonable consideration, among other things of the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of land, buildings and structures and encouraging the most appropriate use thereof throughout the city. Upon the enactment of the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan no land, building or structure shall be changed from one district to another district unless the change is in accord with the interest and purposes of this section and will not be con-

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trary to the comprehensive zoning plan and the enumerated factors upon which it is based and the regulations and restrictions applicable to the districts involved in the change. *

§ 17.16. Board of Zoning Appeals—Composition—* *There shall be a board of zoning appeals which shall consist of five regular members and two alternates. They shall be qualified voters of the city, shall hold no office of profit under the city government and shall be appointed by the judge of the hustings court of the City of Richmond for terms of four years; provided that the members of the board of zoning appeals in office at the effective date of the amendment of this section shall continue to hold office until the expiration of the terms for which they were appointed, and the second alternate member shall be appointed to serve until the expiration of the term of the first alternate. Vacancies shall be filled by the judge of such court for the unexpired portion of the term. A regular or alternate member may be removed by the judge of the said court for neglect of duty or malfeasance in office, upon written charges and after public hearing. Members of the board of appeals shall serve without compensation.*

§ 17.17. Board of Zoning Appeals—Organization—The board shall elect one of its members as chairman. The chairman shall preside at all meetings of the board and in his absence a member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and such other employees as may be needed for the conduct of the work of the board. * *An* alternate member may take the place of any regular member who is absent or disqualified in hearing and determining any matter before the board.

2. An emergency exists and this act is in force from its passage.

CHAPTER 8

An Act to amend and reenact §§ 9.10, as amended, 9.11 and 9.13 of Chapter 536 of the Acts of Assembly of 1950, approved April 7, 1950, being the charter of the city of Alexandria.

[H 44]

Approved February 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.10, as amended, 9.11 and 9.13 of Chapter 536 of the Acts of Assembly of 1950, approved April 7, 1950, be amended and reenacted, as follows:

§ 9.10. The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each zone and its peculiar suitability for particular uses, and with a view of conserving the value of land, buildings, and structures and encouraging the most appropriate use thereof throughout the city. Except when a comprehensive zoning plan is adopted or amended as a whole, no change in zone boundaries shall be made so as to include less than * one block, but such change need not include * *that frontage which is* within one hundred feet of the street line of * *an* intersecting street *, and in blocks *with a* * frontage * *of* seven hundred fifty feet or more the change need not include more than five hundred continuous feet thereof. * *The specific requirements of this section shall not apply when the change consists of: (a) the rezoning of land in a block to the same zone as that of the major portion of the block, if such major portion constitutes all the balance of the block;* (b) the inclusion of the balance of a contiguous parcel in single ownership in the same zone in which the major portion of such parcel is

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already included; provided, however, that such * change does not extend more than fifty feet beyond the original zone boundaries and provided that a further extension of an already extended zone in single ownership shall not be granted in the two-year period following the original zone change; *(c) the rezoning of land with frontage which is abutted on both sides by less restrictively zoned land when the change is to a zone not less restrictive than that on either side; and (d) changes in zone boundaries of areas in excess of five acres. In any change in zone boundaries designating two or more areas to be different zones, each such area constituting a separate zone must conform to the requirements of this section. The word "block" as used in this section shall mean land fronting along one side of a dedicated public street either in excess of seven hundred and fifty feet or between two dedicated intersecting public streets or between one dedicated intersecting public street and the corporate limits of the city.*

§ 9.11. It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan as referred to in § 9. * *09* of this chapter and from time to time at intervals not exceeding * *five* years prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary.

§ 9.13. If a protest is filed with the city clerk against such amendment, supplement or repeal as stated in § 9.12, signed by the owners of twenty per cent or more *either* of the * area of * *land within the boundaries of* such proposed change or of the * area of * *land* within * *three* hundred feet of * *the boundaries of such proposed change,* the council shall not adopt the ordinance making such amendment, supplement or repeal, by less than three-fourths affirmative votes of the members of council. *Streets, alleys and lands dedicated to public use or lands owned by the city, State or federal government shall not be included in computing the above-mentioned areas.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 9

An Act to provide a new charter for the town of Marion and to repeal Chapter 294 of the Acts of Assembly of 1848-1849 passed March 15, 1849, which provided a charter for the town of Marion and all acts amendatory thereof.

[H 56]

Approved February 11, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The boundaries of the town of Marion, Virginia, shall be and remain as now established, but the boundaries thereof are incorporated herein by reference to the recordation in the Clerk's Office of Smyth County, Virginia, of the final decree or order of the Circuit Court of Smyth County establishing such boundaries which final decree or order was entered December 16, 1949 in said Clerk's Office in Common Law Order Book 13, Page 509, and by reference to the recordation in said Clerk's Office of the final decree or order of such court establishing such boundaries which final decree or order was entered December 1, 1958 in said Clerk's Office in Common Law Order Book 15, Page 467.

§ 2. The powers set forth in §§ 15-77.5 through 15-77.70 of the Code of Virginia as in force on January 1, 1959, are hereby specifically conferred upon the town of Marion.

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§ 3. The mayor shall be elected for a term of two years, at the time and in the manner provided by law and his compensation shall be fixed by the Council.

§ 4. Three electors of the town of Marion shall be elected as councilmen of the town on the second Tuesday of June, nineteen hundred sixty and every four years thereafter; four electors of the town of Marion shall be elected as councilmen of the town on the second Tuesday of June, nineteen hundred sixty-two and every four years thereafter. They shall constitute the Council.

§ 5. All town councilmen, officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation by law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the town as set forth in § 15-77.9 of the Code of Virginia as in force on January 1, 1959.

§ 6. All ordinances and resolutions heretofore made and adopted by the town, not in conflict with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town.

2. Chapter 294 of Acts of Assembly of 1848-1849 and all acts amendatory thereof are hereby repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 10

An Act to amend and reenact § 54-1, as amended, of the Code of Virginia, relating to filing a copy of examinations given by the Board of Veterinary Examiners.

[S 30]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 54-1. Every State agency except the Board of Medical Examiners *and the Board of Veterinary Examiners* authorized at any time to conduct examinations of applicants for admission to practice or pursue any profession, vocation, trade, calling or art shall file a copy of each examination within a period of ten days after it is given with the Secretary of the Commonwealth where it shall be lodged and preserved for a period of at least one year as a public record accessible to any person desiring to examine it during usual business hours; provided, however, that if the same examination is also given outside of the State of Virginia, a copy of such examination need not be filed until ten days after the date on which it was last given anywhere. A copy of the examinations given by the Board of Medical Examiners *and the Board of Veterinary Examiners* shall be filed, *respectively,* with the Secretary of the Board of Medical Examiners *and the Secretary of the Board of Veterinary Examiners* within ten (10) days after the giving of the examination, which shall be accessible to any candidate who took the examination or his authorized representative. After the expiration of one year from the time of the filing of each copy the Secretary of the Commonwealth may withdraw and destroy it.

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CHAPTER 11

An Act to amend and reenact § 54-31 of the Code of Virginia, relating to requiring land surveyors to pay the same annual renewal fee as required of architects and professional engineers.

[S 32]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-31 of the Code of Virginia be amended and reenacted as follows:

§ 54-31. Certificates of registration shall expire on the last day of December following their issuance or renewal, and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the Board to notify by mail every person certified hereunder of the date of the expiration of his certificate, and the amount of the fee required for its renewal for one year. Such notice shall be mailed at least one month in advance of the date of the expiration of the certificate. Renewal may be effected at any time during the month of January by the payment to the secretary of the Board of a fee of five dollars *. Upon the failure of any such registrant to renew his certificate annually in the month of January, as required above, his certificate to practice shall be revoked but such certificate shall be renewed at any time prior to December thirty-first of such year upon the payment of a fee of ten dollars *. Should the certificate not be renewed as provided above, the applicant may be required to present reasons why such certificate should be renewed. The Board may then in its discretion grant a renewal of such certificate or may require reexamination. The application fee shall be fifteen dollars under these circumstances.

CHAPTER 12

An Act to amend and reenact § 54-788.1 of the Code of Virginia, relating to qualifications and fee for the examination of the Board of Veterinary Examiners.

[S 33]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-788.1 of the Code of Virginia be amended and reenacted as follows:

§ 54-788.1. No person shall be qualified to be examined by the Board for a certificate to practice veterinary medicine or surgery in this State unless and until he shall have delivered to the secretary of the Board, with a fee of * *forty* dollars, a written application for a certificate on a form to be prescribed by the Board, together with proof satisfactory to the Board that the applicant is a citizen of the United States, is more than twenty-one years of age, is of good moral character, has obtained a competent school education, has received a diploma conferring the degree of veterinary medicine from a veterinary college or university approved by the Board, and has pursued the study of veterinary medicine for at least three years including three regular courses of lectures of at least six months each in different years in a veterinary college or university, approved by the Board, prior to the granting of the diploma, and such proof shall be made, if required, upon the affidavit of the applicant.

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CHAPTER 13

An Act to prohibit the killing of doe deer in Appomattox County between July 1, 1960 and June 30, 1962.

[H 19]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. It shall be unlawful to kill or attempt to kill any doe deer in the County of Appomattox between July one, nineteen hundred sixty and June thirty, nineteen hundred sixty-two, notwithstanding any provision of law or regulation of the Commission of Game and Inland Fisheries to the contrary. Any person convicted of a violation of this act shall be guilty of a misdemeanor and punished as provided by law.

CHAPTER 14

An Act to amend the Code of Virginia by adding a section numbered 15-854.1 validating proceedings had in the preparation, certification and adoption of zoning ordinances in counties prior to January one, nineteen hundred fifty-nine.

[H 39]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 15-854.1 as follows:

§ 15-854.1. All proceedings had in the preparation, certification and adoption of zoning ordinances in counties prior to January one, nineteen hundred fifty-nine, which shall have been in substantial compliance with the provisions of this article are validated and confirmed, and all such zoning ordinances adopted or attempted to be adopted pursuant to the provisions of this article are declared to be validly adopted and enacted, notwithstanding any defects or irregularities in the adoption thereof.

2. An emergency exists and this act is in force from its passage.

CHAPTER 15

An Act to amend and reenact § 4, as amended, of Chapter 377 of the Acts of Assembly of 1946, approved March 28, 1946, which provided a charter for the town of Chase City, the section relating to administration and government.

[H 51]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 4, as amended, of Chapter 377 of the Acts of Assembly of 1946, approved March 28, 1946, be amended and reenacted as follows:

§ 4. (1) The present mayor and councilmen of the Town of Chase City shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the expiration of the term for which they were elected, or until their successors are duly elected and qualified.

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(2) Except as otherwise provided in this charter, all powers of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) On the second Tuesday in June, nineteen hundred and forty-seven, and every two years thereafter, there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and six other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. They shall enter upon the duties of their offices on the first day of September next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provision of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(4) There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(5) The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(6) A majority of the members of the council shall constitute a quorum for the transaction of business.

(7) Each member of the council may receive a salary to be fixed by the council, payable at such times, and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred dollars ($100.00) per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of * *eighteen* hundred dollars * per annum; and such salary shall be in lieu of any fees he is entitled to enter up as part of the costs and receive in the trial of cases for violation of the ordinances of the town as hereinafter provided for.

(8) The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have no right of veto. He shall take care and see that the by-laws, ordinances, acts, and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall be ex officio a conservator of the peace within the town and within one mile of its corporate limits; and shall have jurisdiction to issue process for and try all cases for the violation of the town ordinances, subject to an appeal to the Circuit Court of Mecklenburg County, and impose such punishment and/or fines as may be prescribed for violation of the same, and he shall

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have power to issue executions for all fines and costs imposed by him, or he may require an immediate payment thereof, and in default of such payment he may commit the defaulting party to the town jail or the Mecklenburg County jail until such fine and costs shall be paid, such commitment, however, not to be for more than twelve months. He may release persons accused or convicted of the violation of a town ordinance upon the giving of sufficient bail to be fixed by him. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.

(9) The council shall, as soon as practicable after qualification, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the council or is elected.

(10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(13) There shall be appointed by the council at its first meeting in September, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once a year by a competent accountant selected by the council, such examination and audit to be reported to the council.

(15) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(16) There shall be appointed by the council, at its first regular meeting in September after its election, a clerk of the council, who shall hold office for a term of two years. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal. He shall keep all papers required to be kept by the council, shall

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publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in September or as soon as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office for two years. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

(18) The council may appoint or elect such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

(19) The council may appoint a justice of the peace for the town, who shall be clothed with all the powers and authority of other justices of the peace within his territorial jurisdiction. The term of office of such justice of the peace shall not be for a term beyond that of the mayor in office at the time of his appointment.

2. An emergency exists and this act is in force from its passage.

CHAPTER 16

An Act to amend and reenact §§ 8-54 and 8-76, as amended, of the Code of Virginia, relating to serving notices in a suit for annulling a marriage or for divorce.

[H 67]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 8-54 and 8-76, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 8-54. In a suit for *annulling a marriage or for* divorce the subpoena in chancery to commence the suit and notices for the taking of depositions, or for any other purpose, shall be served only by the sheriff of the county, or the sheriff or sergeant of the city, or the deputies of either, in which the service is sought to be had, except that, when, for any reason it is improper for the sheriff or sergeant, or the deputies of either, to act, the service shall be made as provided in § 15-512.

§ 8-76. Any such notice as is mentioned in §§ 8-51 and 8-54 to a person not residing in Virginia may be served by the publication thereof once a week for four successive weeks, in a newspaper published in the city or county where the proceedings, about which the notice is given, are to be held, or if no newspaper is published in such city or county, then in a newspaper published in some convenient city or county, provided that, when the defendant has been legally served according to any of the provisions of § 8-51 and the provisions of § 8-54 with a subpoena in chancery to commence a suit for *annulling a marriage or for* divorce and he or she or the plaintiff:

(1) Shall thereafter become a nonresident, or

(2) Remove from the county or city in which the suit is pending, if a resident thereof, or in which he or she resided at the time of the institution of the suit, or was served with process, without having filed with the clerk of the court where the suit is pending a written statement of his or her intended future place of residence, and a like statement of subsequent changes of residence,

(3) Or when, after such written statement has been filed with the

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clerk, notice shall have been served upon him or her, at the last place of residence given in the written statement, according to the provisions of §§ 8-51 and 8-54.

Depositions may be taken, testimony heard and orders and decrees entered without an order of publication as heretofore provided in this section; provided that if any such absent party has an attorney of record in such suit, notice shall be served on such attorney as provided by § 8-311.

CHAPTER 17

An Act to amend and reenact § 14-133, as amended, of the Code of Virginia, relating to fees in civil cases in county and municipal courts.

[H 95]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-133, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-133. Fees in civil cases for services performed by the judges or clerks of county courts, municipal courts and police justice courts, or by justices of the peace in the event any such services are performed by such justices in civil cases, shall be as follows, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided:

(1) For all court and justice of the peace services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, $3.00 unless otherwise provided in this section, which shall include the fee prescribed by § 16.1-115.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any justice of the peace or other issuing officer shall collect the foregoing fee at the time of issuing process. He may deduct therefrom a justice of the peace (or other issuing officer) fee of $1.25 for his services in the case. He shall remit the remainder promptly to the court to which such process is returnable, or to its clerk. Any sheriff, city sergeant, or other officer serving process shall collect the foregoing court fee before serving any notice of motion of judgment, which fee he shall remit on or before the return day of such motion to the court to which such motion is returnable, or to its clerk, except that no fee shall be collected in tax cases until after process has been served. When no service of process is had as to any defendant served by notice of motion for judgment, the officer serving process shall return such notice of motion and the court fee collected by him to the plaintiff or his counsel. The foregoing court fee shall not include the service fee of any sheriff, city sergeant, or other officer serving process, but the person issuing process shall accept and forward any such service fees when tendered at the time of issuing process. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; *provided, however, reissuance of such process shall be within three months after the original return day and regardless of whether the original process was issued before or after this act takes effect.*

(2) For granting each continuance except the first of any warrant or other proceeding pending before the court, fifty cents, but if the continuance is at the instance and for the convenience of the judge, the fee

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shall not be charged. Such fee shall be paid by the party requesting the continuance, and shall not be taxed as a part of the costs.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by justices of the peace such fees shall be the only fees charged by such justices for the prescribed services.

CHAPTER 18

An Act to repeal Chapter 164 of the Acts of Assembly of 1948, approved March 9, 1948, and all amendments thereto, relating to squirrel season in certain counties.

[H 116]

Approved February 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That Chapter one hundred sixty-four of the Acts of Assembly of 1948, approved March 9, 1948, and all amendments thereto are repealed.

CHAPTER 19

An Act to amend and reenact § 20-121, as amended, of the Code of Virginia, relating to merger of decree of divorce from bed and board into decree for divorce from bonds of matrimony.

[S 94]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20-121, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 20-121. In any case where desertion or cruelty is the ground for divorce when one year shall have elapsed from the time of such desertion or when one year shall have elapsed from the time the parties separated when cruelty is charged, upon application of the party injured, and upon the production of satisfactory evidence, whether taken theretofore or in support of such application, the court may merge such decree for divorce from bed and board into a decree for a divorce from the bonds of matrimony, if the court shall be of opinion, from the evidence so taken, that no reconciliation has taken place, or is probable, and that a separation has continued without interruption since the granting of such divorce. It shall not be necessary to give the guilty party notice of the taking of depositions in any case in which the only purpose of the proceeding is to merge the decree for divorce from bed and board into a decree for a divorce from the bonds of matrimony, and to allow the wife if she so desires, to resume her maiden name, nor shall it be necessary to give the guilty party notice of application to the court in any case in which the only purpose of the proceeding is to merge the decree for divorce from bed and board into a decree for a divorce from the bonds of matrimony and to allow the wife, if she desires, to resume her maiden name; *but no final decree for divorce entered in such a case shall terminate or otherwise affect any restraining order, or order for the payment of costs, counsel fees, alimony or support money except as specifically provided in such decree.* And when one year shall have elapsed after the entering of a decree for divorce from bed and board, or

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when one year shall have elapsed from the time the parties separated when cruelty is charged or when one year shall have elapsed from the time of such desertion, upon application of the guilty party to such divorce proceedings, after giving to the other party in the original action ten days' notice, and upon the production of satisfactory evidence whether taken theretofore, or in support of such application, the court may, in its discretion, merge such decree for divorce from bed and board into a decree for a divorce from the bonds of matrimony, if the court shall be of the opinion from the evidence so taken, that no reconciliation has taken place, or is probable, and that a separation has continued without interruption since the granting of such divorce, and the court may also make such provision as is proper for the maintenance and support of wife and children, if any, in accordance with the right of the case. The provisions of this and the preceding section shall apply to the divorces from bed and board, which have been heretofore as well as those which may be hereafter granted.

CHAPTER 20

An Act to amend the Code of Virginia by adding in Title 13.1 thereof a new Chapter numbered 4.2, containing sections numbered 13.1-434 through 13.1-436, relating to the transfer of securities registered in joint names.

[H 10]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 13.1 thereof a new Chapter numbered 4.2, containing sections numbered 13.1-434 through 13.1-436 as follows:

Chapter 4.2

Securities Registered in Joint Names

§ 13.1-434. As used in this Chapter

(a) "Corporation" means a private or public corporation, association, or trust issuing a security.

(b) "Security" includes any share of stock, bond, debenture, note or other security issued by a corporation and registered as to ownership on the books of the corporation.

(c) "Transfer agent" includes any person employed or authorized to transfer securities issued by a corporation, including a registrar.

§ 13.1-435. Whenever a security issued by a corporation organized under the laws of this State shall be registered in the names of two or more persons as joint tenants with right of survivorship or in the names of a man and a woman as tenants by the entireties with right of survivorship and one of such persons dies, such corporation and any transfer agent of such corporation shall, upon receipt of evidence of death, be entitled to treat the survivor or survivors as the owner or owners of such security for all purposes and to cause such security to be registered in the name of such survivor or survivors regardless of any claim of right through the decedent or by his personal representative, unless such registration shall be enjoined prior to its effectuation by a court of competent jurisdiction.

§ 13.1-436. This chapter shall apply to all transfers of securities by transfer agents domiciled in this State and by all corporations incorporated under the laws of this State and their transfer agents regardless of the place of transfer or the residence or domicile of the registered owners of any such security.

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CHAPTER 21

An Act to amend the Code of Virginia by adding in Title 13.1 thereof a Chapter numbered 4.1, containing sections numbered 13.1-424 through 13.1-433, to provide a uniform and simplified method for fiduciary security transfers.

[H 98]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 13.1 thereof a Chapter numbered 4.1, containing sections numbered 13.1-424 through 13.1-433 as follows:

Chapter 4.1
Uniform Act for the Simplification of Fiduciary Security Transfers

§ 13.1-424. This chapter may be cited as "The Uniform Act for the Simplification of Fiduciary Security Transfers".

§ 13.1-425. In this chapter, unless the context otherwise requires:

(a) "Assignment" includes any written stock power, bond power, bill of sale, deed, declaration of trust, or other instrument of transfer.

(b) "Claim of beneficial interest" includes a claim of any interest by a decedent's legatee, distributee, heir, or creditor, a beneficiary under a trust, a ward, a beneficial owner of a security registered in the name of a nominee, or a minor owner of a security registered in the name of a custodian, or a claim of any similar interest, whether the claim is asserted by the claimant or by a fiduciary or by any other authorized person on his behalf, and includes a claim that the transfer would be in breach of fiduciary duties.

(c) "Corporation" means a private or public corporation, association or trust issuing a security.

(d) "Fiduciary" means an executor, administrator, trustee, guardian, committee, conservator, curator, custodian, or nominee.

(e) "Person" includes an individual, a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(f) "Security" includes any share of stock, bond, debenture, note, or other security issued by a corporation which is registered as to ownership on the books of the corporation.

(g) "Transfer" means a change on the books of a corporation in the registered ownership of a security.

(h) "Transfer agent" means a person employed or authorized by a corporation to transfer securities issued by the corporation, including a registrar.

§ 13.1-426. A corporation or transfer agent registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship; and thereafter the corporation and its transfer agent may assume without inquiry that the newly registered owner continues to be the fiduciary until the corporation or transfer agent receives written notice that the fiduciary is no longer acting as such with respect to the particular security.

§ 13.1-427. Except as otherwise provided in this chapter, a corporation or transfer agent making a transfer of a security pursuant to an assignment by a fiduciary

(a) may assume without inquiry that the assignment, even though

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to the fiduciary himself or to his nominee, is within his authority and capacity and is not in breach of his fiduciary duties;

(b) may assume without inquiry that the fiduciary has complied with any controlling instrument and with the law of the jurisdiction governing the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(c) is not charged with notice of and is not bound to obtain or examine any court record or any recorded or unrecorded document relating to the fiduciary relationship or the assignment, even though the record or document is in its possession.

§ 13.1-428. A corporation or transfer agent making a transfer pursuant to an assignment by a fiduciary who is not the registered owner shall obtain the following evidence of appointment or incumbency:

(a) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within sixty days before the transfer; or

(b) In any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the corporation or transfer agent to be responsible, or, in the absence of such a document or certificate, other evidence reasonably deemed by the corporation or transfer agent to be appropriate. Corporations and transfer agents may adopt standards with respect to evidence of appointment or incumbency under this subsection (b) provided such standards are not manifestly unreasonable. Neither the corporation nor transfer agent is charged with notice of the contents of any document obtained pursuant to this subsection (b) except to the extent that the contents relate directly to the appointment or incumbency.

§ 13.1-429. (a) A person asserting a claim of beneficial interest adverse to the transfer of a security pursuant to an assignment by a fiduciary may give the corporation or transfer agent written notice of the claim. The corporation or transfer agent is not put on notice unless the written notice identifies the claimant, the registered owner, and the issue of which the security is a part, provides an address for communications directed to the claimant and is received before the transfer. Nothing in this chapter relieves the corporation or transfer agent of any liability for making or refusing to make the transfer after it is so put on notice, unless it proceeds in the manner authorized in subsection (b).

(b) As soon as practicable after the presentation of a security for transfer pursuant to an assignment by a fiduciary, a corporation or transfer agent which has received notice of a claim of beneficial interest adverse to the transfer may send notice of the presentation by registered or certified mail to the claimant at the address given by him. If the corporation or transfer agent so mails such a notice it shall withhold the transfer for thirty days after the mailing and shall then make the transfer unless restrained by a court order.

§ 13.1-430. A corporation or transfer agent incurs no liability to any person by making a transfer or otherwise acting in a manner authorized by this chapter.

§ 13.1-431. (a) No person who participates in the acquisition, disposition, assignment or transfer of a security by or to a fiduciary, including a person who guarantees the signature of the fiduciary, is liable for participation in any breach of fiduciary duty by reason of failure to inquire whether the transaction involves such a breach unless it is shown that he acted with actual knowledge that the proceeds of the transaction were being or were to be used wrongfully for the individual benefit of the fiduciary or that the transaction was otherwise in breach of duty.

(b) If a corporation or transfer agent makes a transfer pursuant to an assignment by a fiduciary, a person who guaranteed the signature of

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the fiduciary is not liable on the guarantee to any person to whom the corporation or transfer agent by reason of this chapter incurs no liability.

(c) This section does not impose any liability upon the corporation or its transfer agent.

§ 13.1-432. (a) The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by a fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized.

(b) This chapter applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in this State in connection with the acquisition, disposition, assignment, or transfer of a security by or to a fiduciary and of a person who guarantees in this State the signature of a fiduciary in connection with such a transaction.

§ 13.1-433. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

CHAPTER 22

An Act to amend the Code of Virginia by adding a section numbered 6-79.1, to provide that certain loans to manufacturing and industrial businesses shall be classed as ordinary commercial loans.

[H 11]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 6-79.1 as follows:

§ 6-79.1. Loans made to manufacturing and industrial businesses where the bank looks for repayment out of the operations of the borrower's business, relying primarily on the borrower's general credit standing and forecast of operations, with or without other security, but wishes to take a mortgage on the borrower's real estate as a precaution against contingencies, shall not be considered as real estate loans within the meaning of § 6-78 but shall be classed as ordinary commercial loans.

CHAPTER 23

An Act to amend and reenact § 6-78, as amended, of the Code of Virginia, relating to limitation on amount of loans made by banks upon real estate security.

[H 12]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-78, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 6-78. No bank shall make any loan secured by real estate when such loan together with all prior liens and encumbrances on such real estate exceeds fifty per centum of the appraised value of the real estate

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offered as security, unless such loan be for a term not longer than twenty years and be secured by an amortized mortgage, deed of trust or other instrument under the terms of which the annual installment payments are not less than four per centum per annum of the principal of the loan when such loan is for a period of not more than ten years, and not less than five per centum per annum of the principal of the loan when such loan is for a period in excess of ten years but not more than twenty years, in neither of which events shall the amount of the loan, together with all prior liens and encumbrances on such real estate exceed * *seventy-five* per centum of the appraised value of the real estate offered as security.

No bank shall make such loans in an aggregate sum in excess of the amount of its capital stock actually paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of seventy per centum of the amount of its time and savings deposit at the election of the bank.

A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations executed or assumed by the borrower and secured by mortgage, trust deed, or other such instrument upon real estate owned by the borrower. Loans made to finance the construction of business, residential or farm buildings and having maturities of not to exceed * *eighteen* months, if accompanied by a valid and binding agreement to advance the full amount of the loan upon the completion of the building entered into by an individual, partnership, association, or corporation acceptable to the discounting bank, whether or not secured by a mortgage or similar lien on the real estate upon which the business, residential or farm building is being constructed, shall not be considered as loans secured by real estate within the meaning of this section but shall be classed as ordinary commercial loans, provided that no bank shall invest in, or be liable on, any such loans in an aggregate amount in excess of * *one hundred* per centum of its capital *and* permanent surplus.

Loans made to finance existing construction, if accompanied by a valid and binding agreement by an insurance company, authorized to do business in this State, to advance the full amount of the loan, within a period of sixty days, whether or not secured by a mortgage or similar lien on real estate, *and loans fully guaranteed or insured by a state or by a state authority for the payment of the obligation of which the faith and credit of the state is pledged,* shall not be considered as loans secured by real estate within the meaning of this or the preceding section but shall be classed as ordinary commercial loans and shall not be subject to the limitations and restrictions of this section.

The appraisals herein required, if and when the loan shall exceed one thousand dollars, shall be made by appraisers appointed by or by the authority of the board of directors, shall be in writing, signed by the appraisers, and shall be retained in the files of the bank, subject to examination of bank examiners. The appraisers so appointed shall be experienced persons competent to appraise real estate in the locality in which the real estate is, and each appraisal, if and when the loan shall exceed five thousand dollars, shall be made by at least two appraisers.

The provisions of this section shall not be construed to prohibit any bank from accepting as security for a loan made in good faith without security or upon security since found to be inadequate an obligation or obligations secured by mortgage, trust deed, or other such instrument upon real estate.

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CHAPTER 24

An Act to amend and reenact § 2-20.1, as amended, of the Code of Virginia, relating to the permissive closing of certain banks on Saturdays.

[H 23]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2-20.1, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 2-20.1. It shall be lawful for any bank as defined in § 6-6, including national banking associations and federal reserve banks, located in a county having a population of more than twenty-three thousand three hundred thirty and less than twenty-three thousand three hundred ninety, or in any city having a population of less than five thousand seven hundred, or located in a city which is partly in one state and partly in another state, or located in a city of this State having a population in excess of two hundred thousand according to the latest preceding United States census, or located in a city any portion of which city is within five miles of a city of said size, whether within or without this State, or located in a city of the State having a population of more than forty-five thousand and not more than fifty thousand according to the latest preceding United States census, or in any city having a population of more than twelve thousand two hundred but not more than twelve thousand three hundred fifty, or in any city of the State having a population of more than thirty thousand and not more than forty thousand, or in any city within five miles of a city of said size, or in any county having a population of less than three thousand eight hundred, or in any county having a population of more than fourteen thousand * *one* hundred and less than fifteen thousand one hundred, or in any county adjoining three cities, two of which have a population of more than eighty thousand, or in any county adjoining three or more cities, one of which has a population in excess of two hundred thousand lying wholly within the State, or in any county having a population of more than thirty-three thousand five hundred but less than thirty-four thousand, or in any city having a population of more than nine thousand four hundred but less than ten thousand four hundred, or in any county having a population of more than eleven thousand five hundred, but less than twelve thousand, or in any county having a population of more than seventy thousand but less than ninety-nine thousand, or in a county having a population in excess of seventeen thousand but not in excess of seventeen thousand five hundred, or in any county having a population of more than twenty-seven thousand seven hundred, but less than twenty-eight thousand, *or in any county having a population of more than seven thousand five hundred but less than seven thousand nine hundred, or in any county having a population of more than twenty-one thousand five hundred but less than twenty-two thousand,* or in any city having a population of more than eighty-five thousand but not more than two hundred thousand or any bank in a city of said size having one or more branch banks located in a town, any portion of which town is within five miles of any such city, or in any city having a population of more than twenty-five thousand but less than thirty thousand, or in a city having a population of more than seven thousand but less than eight thousand, or in a county having a population of more than ninety thousand but less than ninety-nine thousand, or in any county having a population of more than twenty-six thousand six hundred, but less than twenty-six thousand six hundred and eighty, or in any county having a population of more than seven thousand

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one hundred, but less than seven thousand one hundred and forty, or in any county having a population of more than twelve thousand eight hundred, but less than thirteen thousand, or in any county having a population of more than twenty-four thousand six hundred, but less than twenty-six thousand six hundred, or in any county having a population of more than four thousand seven hundred, but less than five thousand five hundred, *or in any county having a population of more than twenty thousand three hundred, but less than twenty-one thousand,* or in any county having a population of more than twenty-three thousand four hundred, but less than twenty-five thousand, *or in any county having a population of more than fifteen thousand seven hundred, but less than sixteen thousand,* or in any county having a population of more than twenty-nine thousand but less than twenty-nine thousand seven hundred, or in any town located in a county having a population of more than forty-five thousand but less than fifty-five thousand and which town adjoins a city in another state, *or in any county having a population of more than fifty-seven thousand, and contiguous to a city having a population of more than two hundred thirty thousand lying wholly within the State, or in any county having a population of more than seven thousand nine hundred, but less than eight thousand, or in any county having a population of more than seven thousand two hundred, but less than seven thousand five hundred, or in any county having a population of more than fourteen thousand one hundred, but less than fourteen thousand five hundred, or in any county having a population of more than five thousand five hundred, but less than six thousand, or in any county having a population of more than fifteen thousand three hundred, but less than fifteen thousand six hundred, or in any county having a population of more than eighteen thousand nine hundred, but less than nineteen thousand five hundred,* to permit any one or more or all its offices located in such a city, town or county to remain closed on any one or more or all Saturdays, as the bank, by resolution of its board of directors, may from time to time determine. Any Saturday on which an office of a bank shall remain closed, as herein permitted, shall as to such office, constitute a legal holiday, and any act authorized, required or permitted to be performed at, by or with respect to any such office on a Saturday on which the office is so closed, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay.

2. An emergency exists and this act is in force from its passage.

CHAPTER 25

An Act to amend and reenact § 17-41, as amended, of the Code of Virginia, relating to the keeping open of clerks' offices on certain days.

[H 34]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 17-41, as amended, of the Code of Virginia, be amended and reenacted, as follows:

§ 17-41. The clerk's office of every court shall be kept open on every day, except Sunday, the Fourth of July, Thanksgiving Day and Christmas Day, during convenient hours, for the transaction of business; provided that:

(1) In cities it may be closed on New Year's Day, Memorial Day,

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Labor Day and Veterans Day, and the judge of the circuit court of any county may authorize the clerk to close the office on any such day or days;

(2) The judge of any circuit or corporation court may authorize the clerk to close the office on Saturday at twelve o'clock noon;

(3) In cities having a population of one hundred forty thousand or more, and in cities having a population of not less than sixty thousand nor more than ninety thousand, the clerk's office of any court may be closed on all days which are made legal holidays under the provisions of § 2-19;

(4) The judge of the circuit court of any county adjoining a city within or without the territorial limits of the Commonwealth of Virginia having a population of one hundred forty thousand or more, may authorize the clerk to close the office on all days which are made legal holidays under the provisions of § 2-19;

(5) The judge of the circuit court of any county having a population of more than one thousand per square mile according to the last preceding United States census, or the judge of any circuit, hustings or corporation court of any city or county adjoining any such county, or any of them, may authorize the clerk to close the office on Saturday;

(6) In cities having a population of one hundred thousand or more and in counties adjoining said cities, and, in cities having a population of more than eighty thousand but less than one hundred thousand, and, in cities having a population of more than thirty-eight thousand but less than forty thousand, the clerk's office of any court of record may be closed on Saturday when authorized by the judge of the court;

(7) In cities having a population of more than thirty thousand but less than thirty-five thousand and sixty according to the last decennial census, the clerk's office of any court of record may be closed on Saturday, when authorized by the judge of the court and the governing body of the city; *

(8) In counties having a population of more than thirty-three thousand five hundred, but less than thirty-four thousand, the clerk may close the office on Saturday at twelve o'clock, noon; *and*

(9) The clerk's office of the circuit court of any county having a population of more than twenty-one thousand five hundred but less than twenty-two thousand five hundred, and of any county contiguous to a city having a population of more than ninety thousand but less than one hundred thousand, and of any county having a population of more than thirteen thousand but less than fourteen thousand, may be closed on any day which is established as a general holiday for the employees of such county by a resolution duly adopted by the governing body of such county and approved by the judge of the circuit court and filed in the office of such clerk.

(10) The judge of the circuit court of any county having a population of not less than seventeen thousand nor more than seventeen thousand five hundred, or of any county having a population of not less than thirty-three thousand five hundred nor more than thirty-four thousand, may authorize the clerk to close the office on any or all days which are made legal holidays under the provisions of § 2-19.

Whenever the authorization of the judge is necessary to close a clerk's office and a clerk is the clerk of more than one court, or a court has more than one judge, the authorization of all such judges shall be necessary.

The judge of the circuit court of any county may require the clerk's office to be kept open continuously for the transaction of business during convenient hours on all the days on which it is herein required to be kept open.

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CHAPTER 26

An Act to authorize the State Board of Education with the consent of the Governor to sell and convey certain real estate held for the use and benefit of Virginia State College and to appropriate the proceeds therefrom.

[H 49]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The State Board of Education, with the consent of the Governor in writing, is authorized to sell and convey, by proper deed or other instrument, to the Norfolk Redevelopment and Housing Authority for and in consideration of the sum of twenty-three thousand eight hundred dollars, all of those certain real properties located within the boundaries of the said Authority's Downtown Redevelopment Project in the vicinity of the four hundred (400) block Bank Street and the four hundred (400) block Brewer Street in the city of Norfolk, which properties now are held for the use and benefit of Virginia State College.

2. The proceeds of sale are hereby appropriated to Virginia State College to be used for capital improvements as the State Board of Education, with the approval of the Governor, may direct.

3. An emergency exists and this act is in force from its passage.

CHAPTER 27

An Act to amend and reenact § 6-76, as amended, of the Code of Virginia, relating to limit of liability of a borrower to a bank.

[H 61]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-76, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 6-76. The total liabilities of any person, partnership, association or corporation to any bank, including in the case of a partnership the liabilities of the partnership and of the several members thereof except limited partners, shall at no time exceed fifteen per centum of the capital and permanent surplus of such bank. But such limitation of fifteen per centum shall be subject to the exceptions hereinafter stated.

(a) The following types of obligations shall not be subject under this section to any limitation based upon such capital and surplus:

(1) Obligations in the form of drafts or bills of exchange drawn in good faith against actually existing values;

(2) Obligations arising out of the discount of commercial or business paper actually owned by the person, partnership, association, or corporation negotiating the same;

(3) Obligations drawn in good faith against actually existing values and secured by goods or commodities in process of shipment;

(4) Obligations in the form of banker's acceptances of other banks of the kind described in section thirteen of the Federal Reserve Act;

(5) Obligations of the United States, obligations of the State of Virginia and of its political subdivisions, including sanitary or public facilities districts, *obligations fully guaranteed or insured by a State or by a State authority for the payment of the obligation of which the faith*

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and credit of the State is pledged, obligations issued under authority of the Federal Farm Loan Act, as amended, or issued by the Federal Home Loan Banks, first mortgage real estate loans which are insured by the Federal Housing Administrator, obligations guaranteed as to principal and interest by the United States, loans in which the Reconstruction Finance Corporation or the Small Business Administration or a federal reserve bank has definitely agreed or committed itself to participate, to the extent of such participation, loans which the Federal Commodity Credit Corporation has definitely agreed to purchase, direct obligations of and obligations guaranteed by the Export-Import Bank and loans guaranteed by a federal guaranteeing agency, pursuant to the Defense Production Act of 1950, or bonds and notes of the Federal National Mortgage Association or obligations of Federal Land Banks, Federal Intermediate Credit Banks, or Banks for Cooperatives issued pursuant to Acts of Congress.

(6) Obligations of any person, partnership, association or corporation secured by not less than a like amount of bonds or notes or other evidences of indebtedness of the United States or of the State of Virginia that will become due and payable within eighteen months after the date of the obligation.

(b) The following types of obligations shall be subject under this section to a limitation of fifteen per centum of such capital and surplus in addition to the fifteen per centum of capital and surplus hereinabove established as a general limitation:

(1) Obligations as endorser or guarantor of notes, other than commercial or business paper excepted under paragraph (a) (2) hereof having a maturity of not more than six months, and owned by the person, partnership, association or corporation endorsing and negotiating the same.

(2) Obligations of any person, partnership, association or corporation in the form of notes or drafts secured by shipping documents or instruments transferring or securing title covering livestock or giving a lien on livestock when the market value of the livestock securing the obligations is not at any time less than one hundred and fifteen per centum of the amount by which the obligations exceed fifteen per centum of such capital and surplus.

(3) Obligations of any person, partnership, association or corporation in the form of notes secured by bonds or notes of the United States, or bonds of the State of Virginia, when the face value of the bonds or notes securing the obligations is at least equal to the amount by which the obligations exceed fifteen per centum of such capital and surplus.

(c) Obligations of any person, partnership, association or corporation, in the form of notes or drafts secured by shipping documents, warehouse receipts or other such documents transferring or securing title covering readily marketable nonperishable staples when such property is fully covered by insurance, if it is customary to insure such staples, shall be subject under this section to a limitation of fifteen per centum of such capital and surplus in addition to such fifteen per centum of such capital and surplus when the market value of such staples securing such obligation is not at any time less than one hundred and fifteen per centum of the face amount of such obligation, and to an additional increase of limitation of five per centum of such capital and surplus in addition to such thirty per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred and twenty per centum of the face amount of such additional obligation, and to a further additional increase of limitation of five per centum of such capital and surplus in addition to such thirty-five per centum of such capital and surplus when the market value of such

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staples securing such additional obligation is not at any time less than one hundred and twenty-five per centum of the face amount of such additional obligation, and to a further additional increase of limitation of five per centum of such capital and surplus in addition to such forty per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred and thirty per centum of the face amount of such additional obligation, and to a further additional increase of limitation of five per centum of such capital and surplus in addition to such forty-five per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred and thirty-five per centum of the face amount of such additional obligation, and to a further additional increase of limitation of five per centum of such capital and surplus in addition to such fifty per centum of such capital and surplus when the market value of such staples securing such additional obligation is not at any time less than one hundred and forty per centum of the face amount of such additional obligation, but this exception shall not apply to obligations of any one person, partnership, association or corporation arising from the same transactions and secured upon the identical staples for more than ten months.

All loans permitted hereunder in excess of fifteen per centum of the capital and permanent surplus of any bank shall be approved by a majority of the board of directors, or by a majority of the executive committee of said board, by resolution which shall be recorded in the minutes of said board or committee.

CHAPTER 28

An Act to provide a charter for the town of Craigsville.

[H 62]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The inhabitants of the territory embraced within the limits of the town of Craigsville as hereinafter defined or as the same may be hereafter altered or established by law shall constitute and continue a body politic and corporate, to be known and designated as the town of Craigsville, and as such shall have and may exercise all powers which are now, or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein. No enumeration of particular powers by this charter shall be held to be exclusive.

The town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance.

§ 2. The territory embraced within the limits of the town of Craigsville is as follows:

All that territory set forth on a map made by John McNair and Associates, Engineers, dated November seventeen, nineteen hundred fifty-eight, and revised January twenty-one, nineteen hundred fifty-nine, which map is on file in the circuit court of Augusta county.

Such territory is further described by metes and bounds in an order

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of the circuit court of Augusta county signed October thirty-one, nineteen hundred fifty-nine, which order incorporates the town of Craigsville.

§ 3. The present mayor and councilmen of the town of Craigsville shall continue in office until the expiration of the term for which they were elected, or until their successors are duly elected and qualified.

§ 4. On the second Tuesday in June, nineteen hundred sixty, and every two years thereafter, there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor and five other such electors who shall be councilmen and constitute the town council. They shall enter upon the duties of their offices on the first day of September next succeeding their election and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment and the mayor shall take the oath prescribed by the law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate such office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

§ 5. There shall be appointed for the town a registrar and officers of election in the manner provided for by general law. All elections held in the town shall be conducted in accordance with general law; the electorate shall be that prescribed by general law.

§ 6. The council shall be judge of the election, qualification and return of its members, subject to review by the circuit court of Augusta county; may fine them for disorderly conduct and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council prescribes. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office. In the event of the failure of the council to fill such vacancy within fifteen days, the circuit court of Augusta county shall make such appointment to fill the vacancy. A vacancy in the office of mayor shall be filled by the council from the electors of the town and any member of the council may be eligible to fill such vacancy.

§ 7. A majority of the members of the council shall constitute a quorum for the transaction of business.

§ 8. Each member of the council may receive a salary to be fixed by the council, payable at such time and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred twenty dollars per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of five hundred dollars per annum.

§ 9. The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by general law and such as may be imposed by the council consistent with his office. He shall take care and see that the by-laws, ordinances, acts and resolutions of the council are faithfully executed and obeyed. He shall be ex officio conservator of the peace within the town and within one mile of its corporate limits. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of the Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.

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§ 10. The council shall, as soon as practicable after qualification, and biennially thereafter following the regular town election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor shall perform the duties and be vested with all the power, authority and jurisdiction of the mayor; in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

§ 11. The council shall, by ordinance, fix the time and place for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any three members of the council in writing; no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when, in the judgment of the council, the public welfare requires executive meetings.

§ 12. The council shall keep a minute book, in which its clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

§ 13. The council shall appoint at its first regular meeting in September after its election, a clerk of the council who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish reports and ordinances as are required to be published and shall perform such other duties as the council may require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

§ 14. The council may adopt rules for regulating its proceedings, but no tax shall be levied, or corporate debt contracted, except by a recorded two-thirds vote of all the members elected to the council or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

§ 15. The council shall appoint at its first meeting in September, or as soon as practicable thereafter, a treasurer who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct. The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at such times as the council may direct, such examination and audit to be reported to the council.

§ 16. The council may designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart and not commingled with any personal or other accounts.

§ 17. The council may appoint at its first regular meeting in September or as soon as practicable thereafter, a town sergeant, who shall also be chief of police and have all the powers vested in town sergeants by general law. He shall hold office at the pleasure of the council. His duties shall be

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such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

§ 18. The council may appoint a police justice for the town pursuant to § 16.1-7 of the Code of Virginia, who shall be a resident of Augusta county, and who shall serve a term of two years or until his successor is appointed and qualified. The police justice is hereby invested with the right and authority to issue warrants, summon witnesses and try cases involving violations of town ordinances; and he shall be compensated in such manner and amount as the council may provide.

The conduct of all proceedings and trial and disposition of cases by or before the police justice and the fees and costs assessed by him shall be the same as provided by general law relating to county courts. All fees, costs and fines imposed and collected by the police justice shall be paid into the town treasury unless the council by ordinance directs some other disposition thereof. Appeals from the decisions of the police justice shall be allowed and taken in the manner provided by general law for appeals from county courts, and shall be to the circuit court of Augusta county.

The council shall provide a courtroom for the conduct of such proceedings and trials, and for necessary records, equipment and supplies incident thereto. The council may appoint a police court clerk to serve at the pleasure of the council, to assist the police justice and who shall after appointment and qualification be empowered to grant bail in matters within the trial jurisdiction of the police justice.

If there be appointed a police justice, the council may also appoint a substitute police justice for the town who shall have the same residence qualifications as the police justice, and whose appointment, qualification and term shall be the same as the police justice. In the event of the disability of the police justice to perform the duties of his office due to sickness, absence, unavailability, vacation, or otherwise, the substitute police justice shall be vested with and may exercise all the rights and authority of the police justice, and he shall be compensated in such manner and amount as the council may provide.

Notwithstanding the provisions of this section for the appointment of a police justice and a substitute police justice, the council by ordinance may invest the mayor as such with all or any part of the rights, authority, duties and functions prescribed for the police justice, to exercise the same and act when the office of the police justice is vacant, or in the event of the disability of the police justice and the substitute police justice, if there be one, to perform the duties of his office due to sickness, absence, unavailability, vacation or otherwise. In any such event, the clerk mentioned above in this section shall have the same duties and powers as there specified.

§ 19. In addition to the officers of the town specifically provided for herein, the council may appoint such other officers, including a town clerk who may be the same person as the clerk mentioned in § 13 of this charter, as it may deem necessary, and define the duties, fix the compensation, set the qualifications and terms of office and require proper bonds of each. The council may provide for the payment of bond premiums for the official bond of any of its officers.

§ 20. All ordinances, resolutions and by-laws passed by the council shall take effect at the time indicated in such ordinances, resolutions or by-laws, but in event no effective date shall be set forth in any such ordinances, resolutions or by-laws passed by the council, the same shall become effective thirty days from passage.

§ 21. The town of Craigsville shall have every power contained in §§ 15-77.1 through 15-77.70, inclusive, of the Code of Virginia as in force on January one, nineteen hundred sixty.

§ 22. No actions shall be maintained against the town for damages for any injury to any person or property, or for wrongful death, alleged

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to have been sustained by reason of the negligence of the town or any officer, agent or employee thereof unless a written statement of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received shall have been filed with the mayor or town attorney within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis or the injured party dies within such sixty days, such statement may be filed within one hundred and twenty days, and no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them.

§ 23. Nothing contained in this act shall be construed to invalidate or to, in any manner, affect the present existing indebtedness and liabilities of the town of Craigsville, whether evidenced by bonded obligations or otherwise.

§ 24. All ordinances in force in the town of Craigsville not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council.

§ 25. This act may for all purposes be referred to or cited as the Town of Craigsville Charter of nineteen hundred sixty.

§ 26. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered.

2. An emergency exists and this act is in force from its passage.

CHAPTER 29

An Act to amend and reenact § 6-357 of the Code of Virginia, relating to certain provisions which do not affect the negotiable character of instruments otherwise negotiable.

[H 83]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-357 of the Code of Virginia be amended and reenacted as follows:

§ 6-357. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

(1) Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

(2) Authorizes a confession of judgment if the instrument be not paid at maturity; or

(3) Waives the benefit of any law intended for the advantage or protection of the obligor; or

(4) Gives the holder an election to require something to be done in lieu of payment of money; *or*

(5) States that such instrument is secured by a deed of trust referred to therein.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

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CHAPTER 30

An Act to amend and reenact § 29-184.2, as amended, of the Code of Virginia, relating to the enforcement of dog laws in counties by dog wardens and to dog license taxes.

[H 102]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-184.2, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-184.2. (a) Notwithstanding any other provision of law, except § 29-184.3, in any county, the enforcement of the dog laws and local ordinances enacted pursuant to § 29-184.4 may, in the discretion of the governing body thereof, be vested in a dog warden and deputy dog wardens, and upon the appointment therein of a dog warden and deputy dog wardens the game warden shall have no jurisdiction as to the enforcement of the dog laws. In any such county the judge of the circuit court shall appoint an officer to be known as the dog warden, who shall have exclusive jurisdiction as to the enforcement of the dog laws in such county; the judge may also appoint one or more deputy dog wardens to assist the dog warden in dog inspection activities and in dog law enforcement. Provided, however, that in any county having a population in excess of twenty-three thousand three hundred fifty but not in excess of twenty-three thousand three hundred seventy, the circuit court shall appoint the dog warden and any deputy recommended by the governing body of such county. Provided, however, that any county which has adopted the county manager form of organization and government provided by chapter 11 (§ 15-266 et seq.), Title 15, *or any county having a population of more than ninety-eight thousand but less than ninety-nine thousand,* shall appoint such dog warden and deputy dog wardens in the same manner as are other employees as provided in § 15-314, *and that in any county which has adopted the county manager form of organization and government provided by Chapter 12 (§ 15-345 et seq.), Title 15, shall appoint such dog warden and deputy dog wardens in the same manner as are other employees as provided in § 15-355.* Such deputy dog wardens shall have the powers and duties of a dog warden. The dog warden and deputy dog wardens shall have all the powers and duties of a game warden in the enforcement of the dog laws. The dog warden and deputy dog wardens shall be paid such compensation as the governing body of the county may prescribe.

(b) The appointments shall be made by the court or judge on or before the thirtieth day of June for one year commencing on the first day of July and expiring on the thirtieth day of June next succeeding.

(c) In such county the amount of the dog license tax, which in no event shall be more than five dollars per dog, shall be fixed by ordinance adopted by the governing body of such county, and thereafter the tax imposed under § 29-184 shall not apply therein. The funds collected for dog license taxes shall be paid into a special fund and may be disposed of as provided in this section and in §§ 29-206 and 29-209, except that the county treasurer shall not be required to remit any portion of such funds to the State Treasurer nor shall the governing body be required to supplement the salary of the game warden. The county shall pay the salaries and expenses of the dog warden and deputy dog wardens from such special fund. Any sum remaining* *may be transferred to the general fund of the county at the end of the fiscal year.*

(c1) The Governor is hereby authorized to transfer at one time or from time to time from the unappropriated balance in the Game Protection Fund such sum as may be necessary and recommended by the Director of

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the Budget for the revision of the salary of the game warden in any county adopting the provisions of this section.

(d) All other provisions of chapter 9 (§ 29-183 et seq.) of this title shall apply mutatis mutandis to any such county and dog wardens and deputy dog wardens therein.

(e) The provisions of this section shall not apply to any county having a population of more than thirty-seven thousand but not more than thirty-nine thousand.

CHAPTER 31

An Act to amend and reenact § 38.1-436 of the Code of Virginia, relating to contracts of life insurance with minors.

[H 127]

Approved February 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-436 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-436. A minor not less than * *fifteen* years of age shall be competent to contract for life insurance upon his own life for his own benefit or for the benefit of any one or more of the ascending or descending kindred, spouse, brothers or sisters of such minor, and may exercise and enjoy every right, privilege and benefit provided by any life insurance contract on his own life, subject to the foregoing limitations as to designation of beneficiary, and shall not be permitted to recover any premiums paid thereon; provided, however, that if such minor shall reside with one or both of his parents, the application for the contract shall be approved in writing by one of his parents. No promissory note or other evidence of debt given by a minor in payment of any first year premium on such contract shall be validated by this section.

Any such minor shall be competent to give a valid discharge for any benefit accruing or money payable under the contract, and to create liens thereon in favor of the company issuing the contract for money borrowed or for unpaid premiums and interest thereon; provided, however, that any beneficiary or beneficiaries named in the contract who are then of the age of at least * *fifteen* years shall unite in such discharge or in the instrument creating the lien.

CHAPTER 32

An Act to amend and reenact § 9, as amended, of Chapter 33 of the Acts of Assembly of 1952, approved February 14, 1952, which incorporated the city of Virginia Beach, the section relating to imposition of taxes on real and personal property within the city of Virginia Beach.

[S 67]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 9, as amended, of Chapter 33 of the Acts of Assembly of 1952, approved February 14, 1952, be amended and reenacted as follows:

§ 9. The city shall have power to impose taxes on real estate and personal property within the city for nineteen hundred fifty-two and subsequent years. The assessment of such property, formerly within the town, shall be certified to the city by the commissioner of the revenue of

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the county of Princess Anne which assessment shall continue until changed as provided by law. The State Corporation Commission shall certify to the city the assessments of such property as is assessed by the State Corporation Commission within the territory embraced within the city. The city may impose a license tax for doing business within the city for such portion of nineteen hundred fifty-two as may remain after the incorporation of the city and thereafter shall have power to impose such license taxes as are provided by law.

The council of the city of Virginia Beach may, in its discretion, fix such annual levy on property subject to taxation in the city of Virginia Beach for city purposes * *at such rate as the council may deem proper; provided,* that the council shall not fix such levy on property partially segregated to the State for the purposes of State taxation at a rate higher than is or may be permitted by the general laws relating thereto. *

The council of the city of Virginia Beach shall have power, in its discretion, to spend not exceeding five per centum of its annual revenue from all sources in advertisement and giving publicity to its resources and advantages.

2. An emergency exists and this act is in force from its passage.

CHAPTER 33

An Act to amend and reenact § 15-241, as amended, of the Code of Virginia, relating to regular meetings of boards of supervisors.

[S 117]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-241, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-241. Except as otherwise provided by law, the board of supervisors of each county shall assemble at the courthouse of the county or some county building located at the county seat, in regular session once each month upon such day as may be prescribed by an order of the board and it may adjourn from day to day, or time to time, not beyond the time fixed for the regular meeting, until the business before it is completed. The meeting held in July shall be known as the annual meeting of the board and that held in January as its semiannual meeting. Provided, however, that if the board prescribes any county buildings, other than the courthouse as a meeting place, the board shall pass a resolution as to such future meeting place and shall cause a copy of such resolution to be posted on the door of the courthouse and inserted in a newspaper having general circulation in the county once a week for two successive weeks prior to the first such meeting at such county office building.

The board of supervisors of any county adjoining a county having a population in excess of one thousand a square mile may hold as many regular sessions as are required to transact any business coming before the board. And the board of Arlington County shall hold at least two regular meetings each month, upon such days as may be prescribed by an order of the board. The board of Arlington County may meet at the county courthouse or at such other public place in the county as the board prescribes; no meeting of the board shall be held at a place other than the county courthouse unless and until notice of the time and place of such meeting has been given by publication thereof in a newspaper of general circulation in Arlington County, at least fifteen days prior to said meeting

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The board of supervisors of any county which has its courthouse or office buildings within the geographical boundaries of a city having a population of more than two hundred and thirty thousand may meet at the courthouse or any other building owned by the county and may hold as many regular sessions as are required to transact any business coming before the board.

The board of supervisors of Princess Anne County may hold two regular meetings each month upon such days as may be prescribed by order of the board.

2. An emergency exists and this act is in force from its passage.

CHAPTER 34

An Act to amend and reenact § 15-237, as amended, of the Code of Virginia, relating to duties of county clerks.

[S 152]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-237, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-237. The county clerk shall be ex officio clerk of the board of supervisors. It shall be his general duty:

(1) To record in a book to be provided for that purpose all the proceedings of the board.

(2) To make regular entries of all their resolutions and decisions on all questions concerning the raising of money; and within five days after any order for a levy is made, to deliver a copy thereof to each commissioner of the revenue of his county.

(3) To record the vote of each supervisor on any question submitted to the board, if required by any member present.

(4) To sign all warrants issued by the board for the payment of money, and to record, in a book provided for the purpose, the reports of the county treasurer of his receipts and disbursements.

(5) To preserve and file all accounts acted upon by the board, with their actions thereon; and he shall perform such special duties as are required of him by law.

In the county of Augusta the board of supervisors shall have the power to elect for a term of two years someone other than the county clerk as clerk of their board and to fix the compensation to be allowed such clerk.

The board shall by proper resolution prescribe the duties of such clerk which shall be in addition to his duties as prescribed by law.

The governing body of any county having a population of more than twenty-four thousand six hundred but not more than twenty-six thousand five hundred may, by resolution duly adopted, relieve the clerk of such county of his or her duties as clerk, ex officio, of such governing body. Whenever such resolution shall have been duly adopted such governing body shall elect someone other than the clerk of such county as clerk of the governing body to serve at the pleasure of the governing body and shall fix the compensation to be allowed such clerk in lieu of the salary allowed by § 15-238 of the Code. Such governing body also shall, by resolution, prescribe the duties of such clerk.

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CHAPTER 35

An Act to amend and reenact § 8-639 of the Code of Virginia, relating to compromise of claims for death by wrongful act.

[H 2]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-639 of the Code of Virginia be amended and reenacted as follows:

§ 8-639. The personal representative of the deceased may compromise any claim to damages arising under § 8-633 before or after action * brought by such representative under § 8-634 * with the approval of the judge of the court wherein any such action has been brought, or if none has been brought, with the consent of the judge of any court wherein such action may be brought. Such approval may be applied for by the personal representative, on petition to such judge, in term or vacation, stating the compromise, the terms thereof, and reasons therefor, and convening the parties in interest; but it shall not be necessary to convene grandchildren whose living parents are made parties to the proceeding. If the judge approve the compromise, and the parties in interest do not agree upon the distribution to be made of what has been or may be received by the personal representative under such compromise, or if any of them are incapable of making a valid agreement, the judge shall direct such distribution as a jury might direct under § 8-636 as to damages awarded by them. In other respects what is received by the personal representative under the compromise shall be treated as if recovered by him in an action under the section last mentioned. When the judge acts in vacation, he shall return all the papers in the case and orders made therein to the clerk's office of his court. The clerk shall file the papers in his office as soon as received and forthwith enter the order in the order book on the law side of the court. Such orders and all the proceedings in vacation shall have the same force and effect as if made or had in term.

CHAPTER 36

An Act to amend and reenact § 21-118, as amended, of the Code of Virginia, relating to the powers and duties of the governing bodies of counties with regard to sanitary districts created therein.

[H 37]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 21-118, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 21-118. After the entry of such order creating a sanitary district in such county, the governing body thereof shall have the following powers and duties, subject to the conditions and limitations hereinafter prescribed:

(1) To construct, maintain and operate water supply, sewerage, garbage removal and disposal, heat, light, fire fighting equipment and power and gas systems and sidewalks for the use and benefit of the public in such sanitary districts.

(2) To acquire by gift, condemnation, purchase, lease, or otherwise, and to maintain and operate any such water supply, sewerage, garbage removal and disposal, heat, light, fire fighting equipment and power and

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gas systems and sidewalks in such district and to acquire by gift, condemnation, purchase, lease, or otherwise, rights, title, interest, or easements therefor in and to real estate in such district.

(3) To contract with any person, firm, corporation or municipality to construct, establish, maintain and operate any such water supply, sewerage, garbage removal and disposal, heat, light, fire fighting equipment and power and gas systems and sidewalks in such district.

(4) To require owners or tenants of any property, in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. The owners or tenants shall have the right of appeal to the circuit court or the judge thereof in vacation within ten days from action by the governing body.

(5) To fix and prescribe the rates of charge for the use of any such system or systems, and to provide for the collection of such charges.

(6) To levy and collect an annual tax upon all the property in such sanitary district subject to local taxation to pay, either in whole or in part, the expenses and charges incident to constructing, maintaining and operating water supply, sewerage, garbage removal and disposal, heat, light, fire fighting equipment and power and gas systems and sidewalks for the use and benefit of the public in such sanitary district.

(7) To employ and fix the compensation of any technical, clerical or other force and help which from time to time, in their judgment may be deemed necessary for the construction, operation or maintenance of any such system or systems and sidewalks.

(8) To negotiate and contract with any person, firm, corporation or municipality with regard to the connections of any such system or systems with any other system or systems now in operation or hereafter established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the sanitary district.

(9) The governing body shall have the same power and authority for the abatement of nuisances in such sanitary district as is vested by law in councils of cities and towns for the abatement of nuisances therein, and it shall be the duty of the governing body to exercise such power when any such nuisance shall be shown to exist.

(10) Proceedings for the acquisition of rights, title, interest or easements in and to real estate, by such sanitary districts in all cases in which they now have or may hereafter be given the right of eminent domain, may be instituted and conducted in the name of such sanitary district and the procedure shall be in the manner and under the restrictions prescribed by the general statutes of this State relative to the condemnation of lands, *or, in the case of lands proposed to be condemned for the purpose of constructing water or sewer lines, either by such method or in the manner provided for the condemnation of land by the State Highway Commissioner in §§ 33-70.1 through 33-70.11.*

(11) To appoint, employ and compensate out of the funds of the district as many persons as special policemen as may be deemed necessary to maintain order and enforce the criminal and police laws of the State and of the county within such district. Such special policemen shall have, within such district and within one-half mile thereof, all of the powers vested in policemen appointed under the provisions of article 2 of chapter 17 of Title 15.

CHAPTER 37

An Act to amend and reenact §§ 5 and 13 of Chapter 393 of the Acts of Assembly of 1932, approved March 29, 1932, which provided a new

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charter for the city of Williamsburg, the sections relating to municipal officers of the city.

[H 50]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 5 and 13 of Chapter 393 of the Acts of Assembly of 1932, approved March 29, 1932, be amended and reenacted as follows:

§ 5. The municipal officers of said city shall, beginning September first, nineteen hundred and thirty-four and biennially thereafter, consist of * a city sergeant, and a commissioner of the revenue, elected by the qualified voters of said city, *five councilmen, elected as provided in § 13 of this act,* and a treasurer, a sheriff, an attorney for the Commonwealth, and a clerk of the circuit court of the city of Williamsburg and of the county of James City, elected conjointly for the city of Williamsburg and the county of James City, by the voters of the said county and city, and such additional officers as are herein provided for or may be provided for by the council.

§ 13. The council of the city * shall be composed of five members. They shall be elected by the popular vote of the qualified voters of the city. *Of the councilmen elected at the regular municipal election held in the year nineteen hundred and sixty, the three candidates receiving the highest number of votes shall be elected for terms of four years; the two candidates receiving the next highest number of votes shall be elected for terms of two years, all terms beginning September one, nineteen hundred sixty. Thereafter all councilmen shall be elected for terms of four years but vacancies occurring other than by expiration of term shall be filled as provided in § 8.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 38

An Act to authorize the city of Suffolk to sell and convey or lease certain city-owned lands, with the improvements thereon, known as the City Hall and the Municipal Building.

[H 55]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The city of Suffolk is hereby authorized and empowered, whenever in the judgment of its Council it is to the interest of the city so to do, to sell and convey, or lease, in the manner prescribed by law, for such consideration and on such terms and conditions as said Council shall deem proper, the city-owned lands, with the improvements thereon, situated in the city of Suffolk, and known as the City Hall and the Municipal Building, or either of them, or any part thereof, said City Hall property being situated on the east side of North Main Street and extending eastwardly therefrom a distance of one hundred and ninety feet and being bounded on the north by the land of R. R. Woodward and others, on the east by other land of the city of Suffolk, on the south by the land of Carl Schadel and T. Cherry Schadel, and on the west by North Main Street, and said Municipal Building property being situated at the southeast corner of the intersection of Market Street and North Saratoga Street and being bounded on the north by Market Street, on the east and south by the land of Felix J. Troiano and others, and on the west by North Saratoga Street.

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§ 2. Nothing herein contained shall be construed as affecting the powers of, and restrictions upon, the city of Suffolk, now provided by law, relating to the granting of franchises by said City or to selling and conveying or leasing any real estate owned by said City.

CHAPTER 39

An Act to amend and reenact § 2-29, as amended, of the Code of Virginia, relating to holding State or local office or employment while holding office or employment under the government of the United States.

[H 57]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2-29, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 2-29. Section 2-27 shall not be construed:

(1) To prevent members of Congress from acting as justices of the peace, visitors of the University of Virginia or the Virginia Military Institute, or from holding offices in the militia;

(2) To exclude from offices under the State, city or town government or offices under any county, a person to whom a pension has been granted by the United States or who receives retirement compensation in any manner from the United States, or any person receiving or entitled to receive benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad Retirement Act;

(3) To exclude from such office or post officers or soldiers on account of the recompense they may receive from the United States when called out in actual duty;

(4) To prevent United States commissioners or United States census enumerators, supervisors, or the clerks under the supervisor of the United States census, or fourth-class or third-class postmasters, or United States caretakers of the National Guard of Virginia, from acting as notaries, school trustees, justices of the peace, or supervisors, or from holding any district office under the government of any county, or the office of councilman of any town or city in this State;

(5) To prevent any United States rural mail carrier, or star route mail carrier from being appointed and acting as notary public or holding any county or district office;

(6) To prevent any civilian employee of the United States government from being appointed and acting as notary public;

(7) To prevent any United States commissioners or referees in bankruptcy from holding the office of commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant commissioner of accounts, assistant police justice or substitute or assistant civil justice, or assistant judge of a municipal court of any city or assistant judge of a juvenile and domestic relations court of any city;

(8) To prevent any person holding office or a post of profit, trust or emolument, civil, legislative, executive or judicial, under the government of the United States, from being a member of the militia, or holding office therein, or from being a director in a State institution;

(9) To prevent foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or naval reservation in Virginia, from holding any office under the government of any city, town or county in this Commonwealth;

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(10) To prevent any United States government clerk from holding any office under the government of any town or city; *or from being appointed as special policemen for a county by the circuit court or judge thereof as provided for in § 15-562.*

(11) To prevent any United States government employee, otherwise eligible, from holding any office under the government of any county in this State having a population in excess of three hundred inhabitants per square mile, or of any city or county adjoining any county having a population in excess of two thousand inhabitants per square mile;

(12) To prevent any person holding an office under the United States government from holding a position under the management and control of the State Board of Health;

(13) To prevent any State federal director of this State in the employment service of the United States Department of Labor from holding the office of Commissioner of Labor of this State; or

(14) To prevent clerks and employees of the Federal government engaged in the departmental service in Washington from acting as school trustees.

2. An emergency exists and this act is in force from its passage.

CHAPTER 40

An Act to amend and reenact § 56, as amended, of Chapter 309 of the Acts of Assembly of 1920, approved March 19, 1920, which chapter provided a charter for the city of Bristol, the section fixing the salaries and compensation of charter officers.

[H 108]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 56, as amended, of Chapter 309 of the Acts of Assembly of 1920, approved March 19, 1920, be amended and reenacted as follows:

§ 56. The respective officers provided for in this charter shall receive such salaries, compensation, fees and emoluments as may be provided by the general laws of the State, and prescribed by the council of the city of Bristol except as herein otherwise provided.

The members of the *present* council shall *each* receive * *a* salary * *at the rate of one hundred dollars per year for the city's fiscal year ending June thirtieth, nineteen hundred sixty. Thereafter the members of the present and each succeeding council shall each receive a salary at the rate of three hundred dollars per year.*

The mayor shall receive a salary of three hundred dollars per year, payable in monthly installments of twenty-five dollars each, until September first, nineteen hundred and thirty, after which date he shall receive a salary of not less than three hundred dollars nor more than six hundred dollars, to be fixed by the council, payable in equal monthly installments, unless otherwise provided by general law.

2. This act shall be in effect on and after July 1, 1960.

CHAPTER 41

An Act to amend and reenact § 2, as amended of Chapter 440 of the Acts of Assembly of 1889-1890, approved March 3, 1890, which provided a charter for the town of Bedford, the section relating to election of

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mayor and council; and to amend said chapter by adding sections numbered 2(a), 2(b), 2(c), 2(d) and 43 to provide for election of a mayor and vice mayor, to prescribe their powers and duties, to provide for exercise of such powers and duties in certain cases, to provide for compensation of the council and mayor, and to authorize the town to provide certain facilities.

[H 124]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2, as amended, of Chapter 440 of the Acts of Assembly of 1889-1890, approved March 3, 1890 be amended and reenacted and that said chapter be amended by adding sections numbered 2(a), 2(b), 2(c), 2(d) and 43 as follows:

§ 2. * *The government of the town shall be vested in a Council which shall have full power and authority, except as otherwise provided by this charter, to exercise all of the powers conferred upon the town and to pass all laws and ordinances relating to its municipal affairs subject to the Constitution and general laws of the Commonwealth of Virginia.*

The council shall consist of seven members whose terms of office, except as hereinafter provided, shall be for a term of four years. The present mayor and council shall continue in office and exercise all of the powers conferred by this charter and the general laws of this Commonwealth until the expiration of the term for which they were elected or until their successors are duly elected and qualified.

On the second Tuesday in June, nineteen hundred sixty, there shall be elected by the duly qualified voters of the town at a general municipal election, seven electors of the town who shall compose the council, who shall immediately after their qualification cast lots to ascertain which three shall serve for a term of two years from September one, nineteen hundred sixty and thereafter until their successors shall have been duly elected and shall have also qualified; and the remaining four members shall serve for a term of four years from September one, nineteen hundred sixty and thereafter until their successors shall have been duly elected and shall have qualified.

On the second Tuesday in June, nineteen hundred sixty-two, and every four years thereafter, three councilmen shall be elected who shall serve for a term of four years from the following September one and thereafter until their successors shall have been duly elected and shall have qualified.

On the second Tuesday in June, nineteen hundred sixty-four, and every four years thereafter, four councilmen shall be elected who shall serve for a term of four years from the following September one and thereafter until their successors shall have been duly elected and shall have qualified. Vacancies in the council shall be filled within thirty days for the unexpired term, by a majority of the remaining members.

Should the remaining members cast a tie vote, or otherwise be unable to agree, the clerk of council, after the expiration of such time, shall certify this fact to the judge of the circuit court of Bedford County who shall enter an order appointing a qualified person or persons to fill such vacancy or vacancies.

§ 2 (a). On the first day of September following each regular municipal councilmanic election, or if such day be on Sunday, then on the following day, the council shall elect one of its members as mayor. He shall be elected for a term of two years and shall preside at the meetings of the council and shall perform such other duties and have such other powers as may be provided for by the council, the town charter or town ordinances, or the

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laws of the Commonwealth of Virginia. He shall have a vote and a voice in the proceedings but no veto. During his absence or disability, his duties shall be performed by the vice mayor.

§ 2 (b). On the first day of September following each regular municipal councilmanic election, or if such day be on a Sunday, then on the day following, the council shall elect one of its members as vice mayor. He shall be elected for a term of two years, and when the mayor is absent, or for any reason cannot act or perform his duties as mayor, the vice mayor shall be invested with all of the powers conferred upon the mayor.

§ 2 (c). In the absence or in the case of disability of both the mayor and vice mayor, one of the other councilmen elected by a majority vote of the council, shall have all of the powers heretofore conferred upon the mayor and vice mayor.

§ 2 (d). Commencing September one, nineteen hundred sixty, the members of the council shall receive such compensation as the council may prescribe not to exceed the sum of three hundred dollars per annum. The mayor, in addition to his compensation as a member of the council, shall receive such additional sum as the council may prescribe, not to exceed six hundred dollars per annum.

§ 43. The Council, in addition to its other powers, shall have the power on behalf of the town to provide and operate public libraries, armories, cemeteries and markets or contract with others for supplying such facilities.

2. An emergency exists and this act is in force from its passage.

CHAPTER 42

An Act to amend and reenact § 1, as amended, of Chapter 486 of the Acts of Assembly of 1891-92, approved February 29, 1892, which provided a charter for the town of Glasgow, the section relating to the corporate limits.

[H 158]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1, as amended, of Chapter 486 of the Acts of Assembly of 1891-92, approved February 29, 1892, be amended and reenacted as follows:

§ 1. All of the territory in Rockbridge county contained within the following limits, namely: Beginning at the confluence of North and James rivers, thence up the north bank of James river at low-water mark to a point opposite the extension of the western line of Thirteenth street; thence with the western line of said street to its intersection with the northern line of Rockbridge road; thence with the northern line of Rockbridge road to its intersection with the eastern line of the fifty acres reservation of Mistress E. G. Johns; thence with said line of Mistress Johns' fifty acres tract to its intersection with the northern boundary line of the right of way of the Norfolk and Western railway; thence with said line of said railway to its intersection with the western line of Blue Ridge road; thence with said line of Blue Ridge road to its intersection with the northern line of Shawnee street; thence with the northern line of Shawnee street extended to its intersection with North river at low-water mark; thence along the west bank of North river at low-water mark to the beginning (which boundaries and those parts of North and James rivers and said streets, places and roads are laid off and described in the plat or map of the subdivision of the lands of the Rockbridge company into lots, recorded in the clerk's office of the county court of Rockbridge county, in deed-book

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number fifty-eight, at pages one and two), *as enlarged and modified by the metes and bounds described in a certain order of annexation signed November sixteen, nineteen hundred fifty-nine and of record in the Circuit Court of the County of Rockbridge,* shall constitute the town of Glasgow, and the forty-fourth and forty-sixth chapters of the Code of Virginia, edition of eighteen hundred and eighty-seven, as far as consistent with this act, shall be applicable to said town; and the council of said town may from time to time enlarge the boundaries of said town by adding thereto the lots of such persons as desire to be included in said corporation, and who shall make application in writing therefor to said council.

2. An emergency exists and this act is in force from its passage.

CHAPTER 43

An Act to amend and reenact § 19-92.1, as amended, of the Code of Virginia, relating to the appointment of bail commissioners in certain cities.

[H 163]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 19-92.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 19-92.1. *The Circuit Court of the City of Williamsburg and County of James City, or the judge thereof in vacation,* the Hustings Court of the city of Roanoke, or the judge thereof in vacation, or any court of record in the city of Newport News or the judge thereof in vacation, and any court of record in the city of Waynesboro, or the judge thereof in vacation, each may appoint one of the commissioners in chancery of the court bail commissioner for such city. Such bail commissioner shall have the same powers and duties in respect to the cities of *Williamsburg,* Roanoke, Newport News and Waynesboro as bail commissioners for counties have in respect to their counties.

2. An emergency exists and this act is in force from its passage.

CHAPTER 44

An Act to amend and reenact § 4 of Chapter 101 of the Acts of Assembly of 1954, approved March 1, 1954, to provide for a Police Department and a Police and Trial Board in certain counties, and to provide their powers and duties and the powers, duties and rights of policemen serving in such police department.

[H 186]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 4 of Chapter 101 of the Acts of Assembly of 1954, approved March 1, 1954, be amended and reenacted as follows:

§ 4. The Police and Trial Board shall consist of * *nine* residents of the county, one to be appointed by the governing body from the persons resident in each magisterial district of the county and * *three* to be appointed by the governing body from the county at large, all to serve at the pleasure of the governing body. Any vacancy on the Police and Trial

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Board shall be filled in the same manner as the seat was originally filled. Members of the Board shall receive as compensation for their services ten dollars for each day * in attendance on the Board, such compensation to be paid out of the county appropriation for the Police Department.

2. An emergency exists and this act is in force from its passage.

CHAPTER 45

An Act to amend and reenact § 55-276 of the Code of Virginia, relating to commutation in cases of persons under disability.

[H 209]

Approved February 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 55-276 of the Code of Virginia be amended and reenacted as follows:

§ 55-276. In any case in which under the laws of this State provision is made for commutation in money of a life estate when all the parties interested are under no disability, such provision shall also apply when any of the parties interested are under disability, and in any such latter case the court, or the judge thereof in vacation, may, upon application of the guardian, committee, or trustee, if any, and, if not, by a guardian ad litem appointed by * *the clerk or judge of said court,* of any such person, on behalf of his ward, and upon hearing evidence satisfactory to such court or judge, enter an order authorizing such guardian, committee, trustee or guardian ad litem, to consent on behalf of such person under disability to such commutation. Such consent when so given shall be as valid and effective as if the person on whose behalf it was given were sui juris and had given such consent. All judicial orders and decrees entered prior to * *July first, nineteen hundred sixty,* authorizing any such commutation where persons under disability were interested, are hereby validated and confirmed; provided that nothing in this section contained shall be construed as intended to impair any vested right.

CHAPTER 46

An Act to amend the Code of Virginia by adding thereto a new section numbered 29-184.1:1, relating to license tax on dogs in certain cities and the disposition of proceeds therefrom.

[H 35]

Approved February 19, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a new section numbered 29-184.1:1 as follows:

§ 29-184.1:1. Notwithstanding the provisions of § 29-184 the governing body of any city having a population of more than fifty-five thousand but not more than sixty-one thousand five hundred may, by ordinance, provide that the amount of the license tax on dogs in such cities shall be as follows:

For a male dog, not exceeding two dollars and fifty cents.

For an unsexed female dog, not exceeding two dollars and fifty cents.

For other female dogs, not exceeding five dollars.

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The funds collected for dog license taxes shall be paid into a special fund of the city collecting the same and may be disposed of as provided in §§ 29-206 and 29-209, except that such city shall not be required to remit any portion of such funds to the State Treasurer.

CHAPTER 47

An Act to amend and reenact § 3-249 of the Code of Virginia, relating to severance tax on bright flue-cured tobacco.

[H 123]

Approved February 19, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 3-249 of the Code of Virginia be amended and reenacted as follows:

§ 3-249. There is hereby levied on all bright flue-cured tobacco severed from the soil in Virginia, beginning with the crop of nineteen hundred * *sixty,* an excise tax as follows: On such tobacco produced on each acre or fractional part of an acre greater than one-half, * *fifty* cents; on such tobacco produced on a fractional part of an acre less than one-half, * *twenty-five* cents. In determining the amount of acreage planted in bright flue-cured tobacco the official allotment books issued shall be prima facie evidence of such amount.

CHAPTER 48

An Act to amend and reenact § 22-43.1, as amended, of the Code of Virginia, relating to dissolution of special town school districts.

[H 125]

Approved February 19, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 22-43.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 22-43.1. The special school districts for the town of Lexington of Rockbridge county and the town of Bedford of Bedford county and the town of Fries of Grayson county, and the separate school district of the town of Herndon of Fairfax county, and the town of Colonial Beach of Westmoreland county, and any other such separate, special or special town school district, heretofore or hereafter created, by or under the provisions of the preceding section, whether for the purpose of representation on the county school board or for the purpose of being operated as a separate school district as above, may, by ordinance of the town council, or other governing body, and by and with the approval of the county school board and the State Board, be dissolved as a separate school district, and, upon dissolution, such separate school district shall be and become a part of the county school unit and shall be managed, operated and controlled by the county school board as a part of such unit, and all school property, real and personal, the title to which is held by the school board of any such separate, special or special town school district shall vest by operation of law in the county school board for school purposes; provided that in the event of the dissolution of the special town school district of the town of Bedford, *such dissolution shall be deemed a dissolution of the district for operation as a special school district only, and the*

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town shall remain a special school district for representation and shall have one representative on the county school board, to be appointed by the council of the town; and in the event of such dissolution the school board of the county may with the approval of the governing body of the county pay to the town the fair value of such school property. Such ordinance shall state what disposition is to be made of any balance in the school funds of any such separate, special or special town school district at the time of its dissolution and shall provide for disposition of any outstanding bonded indebtedness of such school district.

2. An emergency exists and this act is in force from its passage.

CHAPTER 49

An Act to amend and reenact § 58-884 of the Code of Virginia, relating to disposition of personal property books.

[H 149]

Approved February 19, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-884 of the Code of Virginia be amended and reenacted as follows:

§ 58-884. Each commissioner of the revenue shall retain in his office the original personal property book. Each commissioner of the revenue shall deliver to the treasurer of his county or city one copy of the personal property book and each shall forward to the Department of Taxation one copy of the personal property book. For failure to deliver the copies in the manner herein provided by the first day of September of each year, *or within ninety days from the date the rate of tax on personal property has been determined, whichever date shall occur last,* the commissioner of the revenue shall be fined not less than fifty nor more than two hundred dollars and he shall not be paid any compensation which may be due him, payable out of the State treasury, for making out such books. But the Department of Taxation may, for good cause, extend the time of delivery of such books. The commissioner of the revenue for each county shall also file in the office of the clerk of the circuit court of his county one copy of the personal property book.

2. An emergency exists and this act is in force from its passage.

CHAPTER 50

An Act to amend and reenact § 15-16.1, as amended, of the Code of Virginia, relating to power of counties, cities and towns to make gifts and donations to certain private persons.

[H 173]

Approved February 19, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-16.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-16.1. The governing bodies of counties, cities and towns are authorized to make gifts and donations of property, real or personal, or money to be appropriated from their respective treasuries, to any charitable institution or nonprofit or other organization conducting a hospital, and to any association or other organization furnishing voluntary fire fighting

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services, within or without the boundaries of the respective counties, cities and towns, and to nonprofit recreational associations or organizations; provided the nonprofit recreational association or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes for operating expenses, or both.

A county, city or town may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

All such gifts and donations made prior to March fifth, nineteen hundred fifty-nine, are validated hereby.

CHAPTER 51

An Act to authorize the Board of Trustees of the Virginia Museum of Fine Arts to institute proceedings in the Circuit Court of the City of Richmond for the transfer of certain real and personal property, known as "The Gari Melchers Memorial" and the endowment funds established for the support thereof, to the Rector and Visitors of the University of Virginia for the benefit of Mary Washington College.

[H 184]

Approved February 19, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Trustees of the Virginia Museum of Fine Arts is hereby authorized to institute a proceeding in the Circuit Court of the City of Richmond, Virginia, to secure the approval of the Court for the transfer to the Rector and Visitors of the University of Virginia of the property, real and personal, known as "The Gari Melchers Memorial", and the endowment funds established for the support thereof, conveyed to the Commonwealth by Corinne Lawton Melchers by deed of gift dated February seventeen, nineteen hundred forty-two, accepted by the Commonwealth by Chapter four hundred thirty-seven of the Acts of Assembly of Virginia, nineteen hundred forty-two, and by the last will and testament of Corinne Lawton Melchers and codicils thereto; and upon securing the approval of the Court for such transfer, the Board of Trustees of the Virginia Museum of Fine Arts shall transfer said property to the Rector and Visitors of the University of Virginia to be administered by it in connection with its operation of Mary Washington College.

§ 2. If the Circuit Court of the City of Richmond, Virginia, approves the transfer of "The Gari Melchers Memorial" and the endowment funds established for the support thereof from the Board of Trustees of the Virginia Museum of Fine Arts to the Rector and Visitors of the University of Virginia, the Rector and Visitors of the University of Virginia is authorized to accept such property on behalf of Mary Washington College, and in lieu of the Board of Trustees of the Virginia Museum of Fine Arts, shall manage, control, operate, and maintain the same for the purposes and in accordance with the conditions imposed by the deed of gift dated February seventeen, nineteen hundred forty-two, from Corinne Lawton Melchers to the Commonwealth of Virginia, the provisions of Chapter four hundred thirty-seven of the Acts of Assembly of Virginia, nineteen hundred forty-two, and the provisions of the last will and testament of Corinne Lawton Melchers and codicils thereto.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 52

An Act to authorize the Board of Visitors of the College of William and Mary, with the approval of the Governor, to convey certain property.

[H 189]

Approved February 19, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. With the approval of the Governor in writing first obtained, the Board of Visitors of the College of William and Mary in Virginia is authorized to convey, by deed of correction prepared by the Attorney General all right, title and interest of the Commonwealth and the College in and to the property described below to the respective grantees set forth:

Parcel A: to the United States of America:

Beginning at a point on the property line between the Colonial National Monument Parkway and the College of William and Mary, said point being 1172.14′ as measured along the property line between the College and the Parkway from its intersection with the southern line of Francis Street; thence from said point of beginning S 15° 18′ W along the western property line of the Parkway for a distance of 58.0′ to a point; thence N 83° 57′ W for a distance of 125.0′ to a point, thence S 51° 03′ W for a distance of 77.8′ to a point; thence S 6° 00′ W for a distance of 243.10′ to a point on the boundary line between the Colonial Parkway and the College of William and Mary, thence N 29° 12′ W for a distance of 306.91′ to a concrete monument marking the property line between the College and the city of Williamsburg (Tazewell Hall Ave.) thence N 14° 49′ 56″ E along the eastern line of Tazewell Hall Ave. for a distance of 60.00′ to a concrete monument marking the property line between the City and the College, thence N 88° 48′ E for a distance of 360.0′ to the point of beginning and containing 1.01 acres. The bearings shown are referred to the meridian of the Virginia State System of Plane Coordinates.

Parcel B: to the City of Williamsburg:

Beginning at a concrete monument marking the intersection of the northern line of Tazewell Hall Ave. with the east occupational line of South Henry Street, said monument being S 1° 52′ 05″ W 936.1′ more or less as measured in a straight line from an iron rod marking the southeast corner of Francis and South Henry Streets; thence from said point of beginning N 85° 53′ 20″ E along the northern line of Tazewell Hall Avenue for a distance of 109.62′ to a concrete monument, thence along the arc of a curve to the right having a central angle of 19° 55′ and a radius of 1303.24′ for a distance of 453.02′ to a concrete monument, thence S 66° 12′ 20″ E for a distance of 43.35′ to a concrete monument marking the line of Colonial National Monument Parkway; thence along the line of said Parkway S 14° 49′ 56″ W for a distance of 60.00′ to a concrete monument marking a change in direction of said Parkway's line; thence N 54° 30′ 30″ W for a distance of 17.90′ to a concrete monument, thence N 74° 11′ 40″ W for a distance of 27.08′ to a concrete monument; thence along the arc of a curve to the left having a central angle of 19° 55′ and a radius of 1243.24′ for a distance of 432.16′ to a concrete monument; thence S 85° 53′ 20″ W for a distance of 107.62′ to a concrete monument, marking the intersection of the southern line of said avenue with the east occupational line of South Henry Street; thence N 6° 02′ 10″ W along the east occupational line of South Henry Street for a distance of 60.02′ to the point of beginning and containing 0.82 acre. The bearings shown are referred to the meridian of the Virginia State System of Plane Coordinates.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 53

An Act to provide for the appointment of an assistant Commonwealth's attorney in certain cities.

[H 223]

Approved February 19, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Any city having a population in excess of eighty thousand but not more than ninety thousand may, with the approval of the Compensation Board, provide for employing such assistant or assistants to the Commonwealth's attorney as may be required. Such assistant or assistants shall be appointed by the Commonwealth's attorney and shall be compensated as provided for assistants to Commonwealth's attorneys under § 14-66 of the Code of Virginia.

CHAPTER 54

An Act to amend and reenact §§ 60-92, and 60-96 as amended, of the Code of Virginia, and to amend the Code of Virginia by adding a new section numbered 60-94.1, the amended and new sections relating to the Unemployment Compensation Fund and the Unemployment Compensation Administration Fund, so as to authorize the expenditure of funds for administrative purposes under certain conditions.

[S 127]

Approved February 22, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 60-92, and 60-96 as amended, of the Code of Virginia, be amended and reenacted and that the Code of Virginia be amended by adding a new section numbered 60-94.1, the amended and new sections being as follows:

§ 60-92. Moneys shall be requisitioned from this State's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the Commission, *except that money credited to this State's account pursuant to § 903 of the Social Security Act, as amended, shall be used exclusively as provided in § 60-94.1.* The Commission shall, from time to time, requisition from the unemployment trust fund such amounts, not exceeding the amount standing to its credit therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof, the same shall be paid into the State treasury to the credit of the benefit account, and shall be used solely to pay the benefits provided for in this title. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the Commission, shall be paid over to the Secretary of the Treasury of the United States, as provided in § 60-91. All benefits shall be paid through public employment offices provided for in this title.

§ 60-94.1 (1) Money credited to the account of this State in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to § 903 of the Social Security Act may not be requisitioned from this State's account or used except for the payment of benefits and for the payment of expenses incurred for the administration

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of this Act. Such money may be requisitioned pursuant to § 60-92 for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this Act but only pursuant to a specific appropriation by the General Assembly and only if the expenses are incurred and the money requisitioned after the enactment of an appropriation law which:

(a) specifies the purpose for which such money is appropriated and the amount appropriated therefor;

(b) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law; and

(c) limits the amount which may be obligated during any twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amount credited to the account of this State pursuant to § 903 of the Social Security Act during the same twelve-month period and the four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State pursuant to such section during such five twelve-month periods.

(2) Amounts credited to this State's account in the Unemployment Trust Fund under § 903 of the Social Security Act which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during a twelve-month period specified herein may be charged against any amount credited during such a twelve-month period earlier than the fourth preceding such period.

(3) Money requisitioned as provided herein for the payment of expenses of administration shall be deposited in the Unemployment Compensation Administration Fund, but, until expended, shall remain a part of the Unemployment Trust Fund. The Commission shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited.

§ 60-96. The fund shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the United States Department of Labor, the Railroad Retirement Board, and the United States Employment Service, or from any other source, for the purpose declared in § 60-97. *Notwithstanding any provision of this article, all moneys requisitioned and deposited in this fund pursuant to the provisions of § 60-94.1 (3) shall remain part of the Unemployment Trust Fund and shall be used only in accordance with the conditions specified in § 60-94.1.*

2. An emergency exists and this Act is in force from its passage.

CHAPTER 55

An Act to amend and reenact §§ 4 and 6 of Chapter 184 of the Acts of Assembly of 1938, approved March 18, 1938, which provided a new charter for the town of Manassas.

[H 38]

Approved February 22, 1960

Be it enacted by the General Assembly of Virginia:

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1. That §§ 4 and 6 of Chapter 184 of the Acts of Assembly of 1938, approved March 18, 1938, be amended and reenacted, as follows:

§ 4. The municipal officers of said town shall, beginning * *thirty days after the effective date of this act,* and thereafter, consist of a mayor, * *six* councilmen, a town clerk and a town treasurer (and a town manager so long as the town shall retain a managerial form of government). The mayor and councilmen shall be elected by the qualified voters of said town. The town manager, town clerk and town treasurer shall be appointed by the council as hereinafter provided.

§ 6. * *Within thirty days after the effective date of this act,* there shall be elected by the qualified voters of the town of Manassas, * *two* councilmen, who shall be electors of the said town * *and who shall take office thirty days after the effective date of this act. For this purpose, the Circuit Court of Prince William County, or a judge thereof in vacation, forthwith shall order a special election which shall be conducted within the period herein specified according to law. The candidate receiving the highest number of votes in said election shall hold office through the thirty-first day of August, nineteen hundred sixty-three and thereafter until his duly elected successor shall have qualified; and the candidate receiving the second highest number of votes in said election shall hold office through the thirty-first day of August, nineteen hundred sixty-one and thereafter until his duly elected successor shall have qualified; provided that in the case of a tie among the candidates receiving the greatest number of votes, such candidates shall cast lots, and the winner shall take the greater term and the loser the lesser term. If more than two candidates are tied, the losers of the first cast shall cast lots for the lesser term.*

Those councilmen in office on the effective date of this act shall continue in office until the expiration of their respective terms and thereafter until their respective successors shall have been duly elected and qualified.

On the second Tuesday in June, nineteen hundred sixty-one, and on the second Tuesday in June every two years thereafter, there shall be elected by the qualified voters of the town three councilmen, who shall be electors of the said town, who shall hold office for terms of four years beginning on the first day of September after the date of their election and thereafter until their successors shall have been duly elected and qualified.

On the second Tuesday in June, nineteen hundred and thirty-nine, and every four years thereafter, there shall be elected by the qualified voters of the town of Manassas, a mayor, who shall be one of the electors of said town, and whose term of office shall begin on the first day of September following the date of his election and continue for four years thereafter, and until his duly elected successor shall have qualified.

The council may fill any vacancy that may occur in the membership of the town council for any unexpired term.

Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct.

The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct.

2. An emergency exists and this act is in force from its passage.

CHAPTER 56

An Act to amend and reenact § 23-49.1 of the Code of Virginia, relating to divisions of the College of William and Mary in Virginia.

[H 217]

Approved February 22, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 23-49.1 of the Code of Virginia be amended and reenacted as follows:

§ 23-49.1. (a) The Norfolk Division of the College of William and Mary in Virginia, * the Richmond Professional Institute, *and the Divisions at Newport News and Petersbury* respectively, (hereinafter referred to, respectively, as Divisions and Institute) are hereby established as divisions of the College of William and Mary in Virginia, and are integral parts thereof. Such divisions shall be subject to the supervision, management and control of the board of visitors of the College.

(b) All property, property rights, duties, contracts and agreements of both the Divisions and the Institute are vested in the board of visitors of the College. The President of the College by virtue of his office shall be the principal administrative officer of the Divisions and the Institute. The board of visitors of the College is charged with the care and preservation of all property belonging to the Divisions and the Institute. With respect to the Divisions and the Institute, the board of visitors shall have the same powers as to granting degrees, as to fixing tuitions, fees, and other charges, as to the appointment and removal of administrative officers, professors, agents and servants, and the making of rules and regulations, as are now vested in them with respect to the College; *provided, that no degree shall be conferred for completion of the course of instruction offered at the Divisions at Newport News and Petersburg.* The title of the chief local administrative officer of the Divisions and of the Institute, respectively, shall be that fixed by the board of visitors.

(c) Appropriations directly and indirectly from the State to the College in Williamsburg, the Divisions and the Institute, respectively, shall be expended as directed by the board of visitors of the College of William and Mary in Virginia.

CHAPTER 57

An Act to amend and reenact §§ 26, 27 and 29 of Chapter 548 of the Acts of Assembly of 1952, approved April 3, 1952, which provided a charter for the town of Smithfield, the sections relating to administration and government of town, election of officers and town officers and to amend such chapter by adding sections numbered 38-a and 38-b, relating to town planning commission and town manager.

[H 295]

Approved February 22, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 26, 27 and 29 of Chapter 548 of the Acts of Assembly of 1952, approved April 3, 1952, be amended and reenacted and that such chapter be amended by adding sections numbered 38-a and 38-b, the amended and new sections being as follows:

§ 26. * *All legislative powers* of the town shall be vested in * *a council composed of seven members, one of whom shall be mayor.* * The mayor * and councilmen shall be electors of the town to be chosen as hereinafter provided, from the residents and electors of the town, and * *their* qualifications to hold offices, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia. * A vacancy in the office of * councilman shall be filled from the electors of the town, for the unexpired term, by a majority vote of the remaining members of the council. *

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Besides the members of the council there shall be elected by the people, in the manner hereinafter provided, a town treasurer whose qualifications to hold office shall be the same as those herein prescribed for councilmen. A vacancy in the office of treasurer shall be filled, for the unexpired term, by majority vote of the council, and may be filled from their own body.

The mayor shall be chosen by the council from its membership; he shall act as the presiding officer of the council and shall have no other power except as a member of the council and except as the power of veto is conferred by the Constitution.

§ 27. The mayor, treasurer and councilmen in office at the time of the passage of this act shall continue in office *with the same powers and duties* until the first day of September, nineteen hundred * *sixty-one,* or until their successors are elected and qualified. An election for * councilmen and treasurer shall be held on the second Tuesday in June, nineteen hundred * *sixty-one* and every second year thereafter, and the * councilmen and treasurer elected under this act shall enter upon the duties of their offices the first day of September next succeeding their election.

At the election to be held in June, nineteen hundred sixty-one, the seven members of the council shall be chosen as hereinafter provided for the terms hereinafter set forth: the four candidates receiving the largest number of votes, respectively, shall hold office for terms of four years and the three candidates receiving the next highest number of votes, respectively, shall hold office for terms of two years, all commencing September one following. Thereafter as the terms of the members respectively expire their successors shall be chosen for terms of four years but vacancies occurring other than by expiration of terms shall be filled as set forth in § 26.

§ 29. (a) The officers of the town, in addition to the mayor, treasurer and councilmen, shall be a clerk, sergeant and at the discretion of the council *a town manager and* a deputy sergeant, who with the exception of the *town manager,* sergeant and the deputy sergeant, shall be electors of the town.

(b) The council may, by ordinance, provide for such other officers, agents and employees as it may deem appropriate, prescribe their duties and fix their compensation.

(c) The clerk and sergeant shall be elected by the council for a term of two years, coincident with that of the council. The office of treasurer and clerk may be filled by the same person.

(d) The council may provide for and require annual audit of any books pertaining to the receipts and the expenditure of the funds of the town.

(e) The council may appoint a town manager who shall be charged with the administration of the business of the town. This paragraph shall be in force on and after September one, nineteen hundred sixty.

§ 38-a. The council may appoint a town planning commission which shall have the powers and duties set forth in Article 2 of Chapter 25 of Title 15 of the Code of Virginia.

§ 38-b. A town manager appointed pursuant to this act shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the town or the Commonwealth but during his tenure of office shall reside within the town. He shall be appointed for an indefinite period and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution which may be changed from time to time. He may be bonded as the council may deem necessary. During the

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absence or disability of the town manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. The town manager shall have the authority and it shall be his duty:

(1) To see that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced.

(2) To appoint such officers and employees, as the council shall determine and authorize, as are necessary for the proper administration of the affairs of the town with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline his subordinates and with the approval of the town manager to discharge any subordinate for just cause. Any officer or employee so removed shall have the right to appeal to the council within thirty days after his removal and after notice to the town manager. The action of the council on such appeal shall be final.

(3) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(4) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(5) To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs.

(6) To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent.

(7) To perform such other duties as may be prescribed or requested by council.

2. An emergency exists and this act is in force from its passage.

CHAPTER 58

AN ACT to amend and reenact §§ 58-822, 58-823 as amended, and 58-824 of the Code of Virginia, relating to credit on taxes when land acquired by State, county, municipality or church; requiring clerk to furnish list of such lands and providing for proration by court and the effect on interest and penalties.

[S 53]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-822, 58-823 as amended, and 58-824 of the Code of Virginia be amended and reenacted as follows:

§ 58-822. All taxpayers of this State whose property, or any portion thereof, shall *have been or may* be *given to, sold to or* taken in any manner whatsoever by this State or any county or municipality thereof *or any*

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church or religious body, which is exempt from taxation by Section 183 of the Constitution, shall be relieved from the payment of taxes and levies on such property as shall be so taken or acquired for that portion of the year in which the property was or shall be so taken or acquired, from and after the date upon which the title was or shall be vested in this State or any county or municipality thereof *or any such church or religious body.* The county treasurers as to property situated in the counties and the city treasurers and the city collectors as to property situated in the cities, so taken or acquired, shall, so long as they are authorized by law to collect taxes in their hands, received from and receipt to the original owner, his personal representative, heirs, successors or assigns, of the property so taken *or acquired* by this State, or any county or municipality thereof *or any such church or religious body,* for his proportionate part of the taxes and levies for such year and credit for the payment on the tax ticket and shall return at the time he makes his returns of land and lots improperly assessed, as required by law, the proportional part of the taxes and levies exonerated from taxation for any such year, indicating on the margin of the list the date on which the property was so acquired and whether so acquired by this State or by any county or municipality thereof *or any such church or religious body.* Such list, when approved by the proper authorities, shall be considered as a credit to any such treasurer or collector in the settlement of the accounts for such year.

§ 58-823. The clerk of the court of the county or city in which is recorded the transfer of title to such property shall furnish a certificate to the county or city treasurer, or city collector, showing the quantity of land so taken or acquired, and whether by this State or any county or municipality thereof *or church or religious body, which is exempt from taxation by Section 183 of the Constitution,* the name of the former owner and a description of the property and the district or ward in which the property is situated, also the date of the recordation of the deed or order by which such property was taken or acquired by this State or any county or municipality thereof *or any such church or religious body,* as shown by the records in his office. Such certificate shall be sufficient evidence to the county and city treasurers and city collectors to authorize them to receive and prorate the taxes and levies as herein authorized.

§ 58-824. Any such taxpayer, *or his heirs, successors or assigns,* who shall fail to have his taxes prorated by the county or city treasurer or city collector, as above provided, shall be entitled to apply to the appropriate court for proration of the taxes, as herein provided, in the same manner and within the same time as provided by law for the correction of erroneous assessments and refunding taxes erroneously charged; provided, however, that in such proceedings such taxpayer shall be entitled to relief of interest and penalties only as to the proportionate part of the property so taken or acquired by this State, or any county or municipality thereof *or church or religious body, which is exempt from taxation by Section 183 of the Constitution.*

CHAPTER 59

An Act to amend and reenact §§ 58-355 and 58-362, as amended, of the Code of Virginia, relating, respectively, to taxes on machines operated on the coin-in-the-slot principle and to taxes on persons engaged in the business of selling goods, wares and merchandise through use of such machines.

[S 571

Approved February 23, 1960

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Be it enacted by the General Assembly of Virginia:

1. That §§ 58-355 and 58-362, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-355. Any person, firm or corporation having anywhere in this State a coin-operated machine or device of any description into which are inserted nickels or coins of larger denominations to dispose of articles of merchandise or for the purpose of operating devices that operate on the coin-in-the-slot principle, used for gain, except as a pay telephone, shall pay for every such coin-operated machine or device, as the case may be, a State license tax of twenty-five dollars per year, which license shall not be prorated or transferable; except that:

(1) For each coin-operated musical machine or musical device that operates on the coin-in-the-slot principle, there is hereby levied a State license tax of five dollars per year;

(2) For each such vending machine as is used solely for the sale of agricultural products, soft drinks or cigars there is hereby levied a State license tax of three dollars per year;

(3) For each such vending machine as is used solely for the sale of candy and operated on the premises of a moving picture or other theatre there is hereby levied a State license tax of five dollars per year;

(4) For each such candy vending machine as is operated on the premises of any person conducting any other lawful business there is hereby levied a State license tax of ten dollars per year;

(5) For each vending machine operated on premises for which a tobacco retailer's license has been obtained and used solely for the sale of cigarettes there is hereby levied a State license tax of three dollars per year;

(6) For each weighing machine or machine used solely for the purpose of selling shoe strings, chewing gum, peanuts, peanut candy or postage stamps there is hereby levied a State license tax of one dollar per year;

(7) For each miniature pool table in the operation of which nickels or coins of larger denominations are used, there is hereby levied a State license tax of ten dollars per year;

(8) For each automatic baggage or parcel checking machine or receptacle, which is used for the storage of baggage or parcels of any character, there is hereby levied a State license tax of fifteen cents per year for each receptacle that is operated on the coin-in-the-slot principle;

(9) For each amusement machine operated by the insertion of one cent there is hereby levied a State license tax of two dollars per year;

(10) For each vending machine operated by the insertion of one cent there is hereby levied a State license tax of one dollar per year;

(11) For each vending machine as is used solely for the sale of peanuts, peanut candy and peanut butter sandwiches and cream sandwiches, and operated by the insertion of a coin or coins of any denomination, there is hereby levied a State license tax of three dollars per year;

(12) For each washing machine there is hereby levied a State license tax of two dollars per year;

(13) For each drying machine there is hereby levied a State license tax of two dollars per year;

(14) For each combination machine that does both washing and drying there is hereby levied a State license tax of four dollars per year;

(15) For each ironing machine there is hereby levied a State license tax of two dollars per year; *

(16) For each vending machine located on the premises of a self-service laundry and used to vend soap or detergents, there is hereby levied a State license tax of two dollars per year; *and*

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(17) For each coin change-making machine, there is hereby levied a State license tax of one dollar per year.

This article shall not apply to coin-operated machines that are used solely for the purpose of selling individual sanitary drinking cups or sanitary drinking cups and natural water, or to machines vending sanitary napkins, or for the delivery of newspapers.

No license tax shall be imposed by the State or any city or town on or on account of any candy vending machine under the ownership and supervision of any State commission or State agency.

Regularly licensed retail merchants paying retail merchants license tax on their sales at retail shall not be required to have any separate vending machine license on such coin-operated machines which are located on the premises of their place of business.

This section, as hereby amended, shall be in force on and after January first, nineteen hundred and sixty-one.

§ 58-362. Every person, firm and corporation engaged in the business of selling goods, wares and merchandise through the use of coin-operated vending machines shall be classified as a retail merchant on that phase or part of the business done through such machines and shall pay an annual State license tax for the privilege of doing business in this State of twenty dollars; provided, however, that if any such person, firm or corporation has more than one definite place in this State at which goods, wares, or merchandise are stored, kept, or assembled for supplying such vending machines, the annual State license tax hereby imposed shall be twenty dollars additional for each such definite place in excess of one. The license tax aforesaid shall not be subject to proration.

The term "engaged in the business of selling goods, wares, and merchandise through the use of coin-operated vending machines", as used in this article, shall be construed as including the use of such machines by a soft drink manufacturer or bottler and a manufacturer or packager of nuts, candy, and sandwiches who leases, rents, or otherwise furnishes vending machines to his customers for their use in selling at retail soft drinks or packaged nuts, candy, or sandwiches, as well as a soft drink manufacturer or bottler or a manufacturer or packager of nuts, candy, and sandwiches who himself sells his products at retail through the use of such machines; and every such soft drink manufacturer or bottler and manufacturer or packager of nuts, candy, and sandwiches qualifying under this article as a merchant placing vending machines shall report at retail selling prices all sales made through such vending machines, and shall pay the tax thereon under this article accordingly. A soft drink manufacturer or bottler and a manufacturer or packager of nuts, candy, and sandwiches qualifying under this article shall be deemed to have qualified as to all vending machines placed and in any way serviced by him whether the sales at retail through the use of such machines are made by the manufacturer, packager, or bottler himself or by his customers.

*

CHAPTER 60

An Act to amend the Code of Virginia by adding a section numbered 58-67.1, to permit the governing bodies of cities and counties to impose a tax on probate of wills or grants of administration.

[S 86]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

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1. That the Code of Virginia be amended by adding a section numbered 58-67.1 as follows:

§ 58-67.1. In addition to the State tax imposed by § 58-66, the governing body of any county and the council of any city may impose a county or city tax on the probate of every will or grant of administration in an amount equal to one-third of the amount of the State tax on such probate of a will or grant of administration.

Every clerk of court collecting any such county or city tax and paying the same into the treasury of his county or city shall be entitled to such compensation for such service as may be prescribed by the governing body of his county or city. Such compensation shall be payable out of his county or city treasury.

In the event any county had imposed the tax authorized by this section and there is located in such county a city which has no separate court in whose clerk's office wills are admitted to probate or grants of administration are issued, the governing body of such county shall at least semiannually pay into the treasury of such city an amount equal to the county tax collected on probate of wills or grants of administration for each decedent residing within the corporate limits of such city at the time of his death, less the proportionate compensation, if any, paid by the county to the clerk of the court for his service in collecting the same; and the clerk of the court shall compile and furnish the necessary information to the governing body of the county to enable it to comply with this provision.

This section shall not be construed as amending or repealing any provision of any city charter.

CHAPTER 61

An Act to amend and reenact §§ 45-26 as amended, 54-24, 54-98, 54-260.13, 54-295.7, 54-341, 54-395, 54-398.12, 54-741 and 54-789 of the Code of Virginia, relating to compensation allowed to members of certain boards and to the use of the funds of such boards.

[S 153]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 45-26 as amended, 54-24, 54-98, 54-260.13, 54-295.7, 54-341, 54-395, 54-398.12, 54-741 and 54-789 of the Code of Virginia be amended and reenacted as follows:

§ 45-26. Such Board shall meet at least once a year and shall be called by the Chief to meet at such other times as the number of applications may justify. The Board shall meet at such place or places and at such times as may be designated by the Chief, and the Board shall remain in session until its work is completed, but no one session of the Board shall continue more than three days. Out of the Examiners' fund there shall be paid to each member of the Board, except the Chief, who shall serve without extra pay, his necessary expenses incurred in the service of the Board and a per diem not to exceed * *fifteen* dollars for each day the Board is in session.

§ 54-24. The members of the Board shall each receive as compensation * *fifteen* dollars per diem for the time spent in attendance at meetings or in conducting examinations, and shall be reimbursed the amount of actual expenses incurred in the performance of their duties under this chapter. The secretary of the Board shall receive such salary as may be named by

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the Board, subject to the provisions of chapter 9 of Title 2. The compensation for services and expenses herein provided, however, shall not exceed the amount received as fees from applicants for certificates to practice any of the professions included by this chapter.

§ 54-98. The members of the Board shall receive an amount not exceeding * *fifteen* dollars per day to each member, for the time actually spent in the performance of their duties under this chapter, which as well as their necessary traveling expenses and other expenses incident to awarding certificate, et cetera, shall be paid out of the State treasury, from funds not otherwise appropriated, on warrants drawn by the Comptroller, on certificates issued by the chairman of the Board.

§ 54-260.13. Each member shall be reimbursed for his traveling expenses and the necessary expense incident to his attendance upon the business of the Board, and in addition thereto the sum of * *fifteen* dollars per diem for each day actually spent by such member upon the business of the Board. The secretary shall receive and be paid such annual salary as may be fixed by the Board not to exceed thirty-six hundred dollars per annum, the amount and method of payment of which shall be fixed by the Board and in addition thereto the secretary shall receive his necessary traveling and other expenses incurred in the performance of his necessary duties and such specific allowance for office assistance and other necessary expenses incident to the proper conduct of his office as the Board shall approve. All such expenses, per diem, and the compensation shall be paid out of the receipts of the Board under the provisions of this chapter and shall in no manner be an expense to the State.

§ 54-295.7. The members of the Committee shall receive compensation at the rate of * *fifteen* dollars for each day of their services, and shall be reimbursed for necessary expenses incurred in the discharge of their duties. The treasurer of the Board shall maintain a separate account showing the funds collected as fees from physical therapists and applicants for registration as physical therapists. All expenses incurred by the Committee, including compensation and reimbursement to the members thereof, shall be paid solely out of such funds.

§ 54-341. The members of the Board shall receive the sum of * *fifteen* dollars for each day actually engaged in this service, and all legitimate and necessary expenses incurred in attending the meetings of the Board.

§ 54-395. The funds realized from the aforesaid fees shall be applied to the payment of all necessary expenses of the Board including a per diem, of not more than * *fifteen* dollars, to each member and the necessary expenses in traveling to and from the place of meeting, when the Board is in session, or on the business of the Board, and the employment of attorneys to assist in prosecuting any or all violations of this chapter. All per diem expenses, salaries, etc., to members of the Board shall be paid from funds of the Board and shall in no manner be an expense to the State. All moneys received in excess of the expenditures of the Board shall be held by its treasurer as a special fund for meeting its expenses.

§ 54-398.12. The members of the Board shall receive no salary for their services, but shall be paid a per diem of * *fifteen dollars* for each day necessarily spent in the performance of their duties and shall be reimbursed for actual necessary expenses incurred in the discharge of such duties.

§ 54-741. Each member of the Commission shall receive as full compensation for each day actually spent on the work of the Commission the sum of * *fifteen* dollars per day and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

§ 54-789. The fund realized from the fees aforesaid shall be applied by the Board to the payment of its expenses, * making a reasonable com-

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pensation to the president and secretary *and to the payment to each member of the Board fifteen dollars per diem as compensation for each day actually spent in the service of the Board.*

CHAPTER 62

An Act to amend and reenact § 6-245 of the Code of Virginia, relating to powers of industrial loan associations, so that all such associations hereafter incorporated shall have all powers of, and be subject to all restrictions upon banks, and to prescribe how certain of such associations may become banks; and to repeal § 6-12 of the Code, prohibiting the granting of certain powers to banks and industrial loan associations.

[H 29]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-245 of the Code of Virginia be amended and reenacted as follows:

§ 6-245. All such corporations engaged in the industrial loan business *on July 1, 1960* shall, for the purposes of State supervision and control, be banks of limited powers. *All such corporations incorporated after July 1, 1960 shall have all the powers conferred on banks by the Virginia Banking Act, shall be subject to all restrictions applicable to banks, and shall for the purposes of State supervision and control be banks.*

An industrial loan association that had certificates of investment issued and outstanding on January 1, 1959 may become a bank on complying with all the provisions of the Virginia Banking Act.

2. That § 6-12 of the Code is hereby repealed.

CHAPTER 63

An Act to amend and reenact § 6-255 of the Code of Virginia, relating to sale of certificate of investment by industrial loan associations, so as to delete provision on rate of interest paid, and to provide that certain industrial loan associations may not hereafter sell certificates of investment.

[H 31]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-255 of the Code of Virginia be amended and reenacted as follows:

§ 6-255. Any *industrial loan* association * may sell certificates of investment * upon either the fully paid or partial payment system *. *Provided that an association that had no certificates of investment issued and outstanding on the first day of January, 1959, may not sell certificates of investment after the effective date of this act.*

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CHAPTER 64

An Act to amend and reenact § 6-251, as amended, of the Code of Virginia, relating to limitation of powers of industrial loan associations, so as to impose additional limitations upon certain industrial loan associations.

[H 32]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-251, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 6-251. No such corporation shall *:

1. Advertise that it is subject to regulation or supervision by the State Corporation Commission or the Bureau of Banking, or publish any advertisement suggesting that it is engaged in the business of banking or that it receives deposits.

2. Advertise that it carries insurance unless its certificates of investment are insured or guaranteed by a State or federal agency or an insurance company authorized to do business in Virginia.

3. Own any shares of stock issued by any other corporation except to the extent legal for banks.

4. Invest more than 80% of the amount of its outstanding certificates of investment in loans secured by liens on real estate.

5. Make any loan secured by liens on real estate in excess of two-thirds of the appraised value of the real estate or not in excess of that per cent of the appraised value permitted to State banks operating in the State of Virginia.

6. Issue certificates of investment for the purpose of borrowing money from financial institutions.

7. Issue a certificate of investment paying a higher rate of interest than four and one-half per cent per annum, except that notwithstanding this limitation it may pay at any time an interest rate equal to the highest rate paid by any State savings and loan association located in the same community in the State of Virginia.

Provided that the provisions of this section shall not apply to any industrial loan association that has no certificate of investment issued and outstanding.

CHAPTER 65

An Act to amend the Code of Virginia by adding thereto a new section numbered 6-351.1, limiting the application of the provisions of Chapter 9 of Title 6 of the Code of Virginia, in actions for the recovery of interest under certain contracts insured by the Federal Housing Administration or the Veterans Administration.

[H 81]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a new section numbered 6-351.1 as follows:

§ 6-351.1. If the rate of interest specifically set forth in the bond, note or other evidence of indebtedness, exclusive of other charges set forth in the securing deed of trust, does not exceed the legal rate prescribed in

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§ 6-346, no person shall, by way of defense or otherwise, avail himself of any of the provisions of this chapter, to avoid or defeat the payment of any interest or charge which he shall have contracted to pay on any loan or forbearance of money insured by the Federal Housing Administration, or the Commissioner thereof, under or pursuant to the provisions of the National Housing Act, approved June 27, 1934, and amendments thereto, or guaranteed by the Veterans Administration, or the Administrator thereof, under and pursuant to Title 38 of the United States Code, and amendments thereto; nor shall anything contained in this chapter be construed to prevent the recovery of such interest or charge from any person who shall have contracted to pay the same.

CHAPTER 66

An Act validating the creation of the Hampton Roads Sanitation District, the appointment of the present members of the Hampton Roads Sanitation District Commission and all outstanding bonds issued by the Commission; authorizing the Commission to construct, improve, extend, maintain, repair and operate a sewerage system, to issue revenue bonds, notes or other obligations of the District, payable solely from the special funds provided by this act, for any of its authorized purposes, and to fix, revise, charge and collect rates, fees and other charges for the use of the sewerage system; providing that such obligations and such charges are subject to the approval of the State Corporation Commission; providing for the collection and enforcement of such charges; granting to the Commission power to acquire necessary real and personal property and to exercise the right of eminent domain; authorizing the Commission to restrain, enjoin or otherwise prevent the pollution of any waters within the District; providing that no debt of the Commonwealth or of any political subdivision thereof shall be incurred in the exercise of any of the powers granted by this act; exempting from taxes and assessments such sewerage system and such obligations and the income therefrom; providing for the addition of territory to the District; describing the powers and duties of the Commission in connection with the foregoing and the rights and remedies of the holders of such obligations issued under the provisions of this act; and to repeal certain acts.

[H 101]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The creation of the Hampton Roads Sanitation District is hereby ratified, validated and confirmed, and said District shall embrace all the territory within the cities of Hampton, Newport News, Norfolk and South Norfolk, that portion of Princess Anne County contained in Lynnhaven Magisterial District, Bayside Magisterial District and Kempsville Magisterial District, that portion of Norfolk County contained in Washington Magisterial District, Western Branch Magisterial District and that part of Deep Creek Magisterial District north of Herron Ditch and of a line extending due west from its junction with Deep Creek Canal, that portion of Isle of Wight County, other than the Town of Smithfield, contained in Newport Magisterial District and Hardy Magisterial District, and that portion of Nansemond County contained in Sleepy Hole Magisterial District and Chuckatuck Magisterial District, all as said cities and magisterial districts existed on December 30, 1959, provided the territory annexed to the city of Portsmouth, effective January 1, 1960, shall cease to

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be a part of the district, and provided, that all rights of the Commission and its bondholders shall remain unchanged by such annexation until adjudicated by a court of competent jurisdiction; and provided, further, that any one affected may petition such court or the State Corporation Commission to fix and determine the fair market value of the facilities of the Commission within the annexed area; said Corporation Commission being hereby authorized and directed to then make such determination. Territory may be added to the District as hereinafter provided in this act.

For the purpose of this section the territory of a county included within the District shall include all the territory lying within the boundaries of any town in the county.

Said District shall constitute a political subdivision of the Commonwealth established as a governmental instrumentality to provide for the public health and welfare.

§ 2. The functions, affairs and property of the Hampton Roads Sanitation District shall be managed and controlled by a commission, known as the "Hampton Roads Sanitation District Commission", consisting of five members appointed by the Governor. The appointment of each of the present members of said Commission, consisting of E. T. Gresham, whose term expires on June 7, 1963, J. C. Morris, whose term expires on June 7, 1962, Clark R. Nickerson, whose term expires on June 7, 1960, Robert F. Ripley, whose term expires on June 7, 1962, and G. A. Treakle, whose term expires on June 7, 1961, is hereby ratified, validated and confirmed. Said persons are hereby declared to be the lawfully constituted members of the Commission and the term of each such member shall continue until his successor shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of four years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Commission shall be eligible for reappointment without limitation as to the number of terms that may be served. Members of the Commission may be suspended or removed by the Governor at his pleasure.

At the time of their appointment, two of the members of the Commission, and each of their successors, shall be residents of the territory in the District within the City of Norfolk or Princess Anne County, one of the members, and each of his successors, shall be residents of the territory in the District within the City of Newport News, one of the members, and each of his successors, shall be residents of the territory in the District within the City of Hampton, and one of the members, and each of his successors, shall be residents of the territory in the District within the City of South Norfolk or the counties of Isle of Wight, Nansemond or Norfolk. Any member who shall cease to reside within the territory from which he was appointed shall thereupon be disqualified from holding office as a member of the Commission and the vacancy thus created shall be filled by appointment by the Governor for the balance of the unexpired term.

§ 3. The Commission shall annually elect one of its members as chairman and another as vice chairman. The Commission shall appoint a secretary, who may or may not be a member of the Commission, and a treasurer, who shall not be a member of the Commission. The compensation of the secretary and of the treasurer shall be fixed by the Commission. The secretary and the treasurer shall serve at the pleasure of the Commission.

The secretary shall keep a record of the proceedings of the Commission and shall be custodian of all books, documents and papers filed with the Commission and of the minute book or journal of the Commission and of its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Commission and to give certificates under the official seal of the Commission to the effect that

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such copies are true copies, and all persons dealing with the Commission may rely upon such certificates.

Three members of the Commission shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the Commission. No vacancy in the membership of the Commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the Commission.

§ 4. Each member of the Commission shall, before entering upon the discharge of his duties, take and subscribe the oath of office required by § 34 of the Constitution of Virginia, and give bond payable to the District in form approved by the Attorney General, in such penalty as shall be fixed from time to time by the Governor, with some surety or guaranty company duly authorized to do business in the Commonwealth and approved by the Governor, as security, conditioned upon the faithful discharge of his duties. The premium of such bonds shall be paid by the Commission.

§ 5. The members of the Commission shall receive no salary, but shall be paid their necessary traveling and other expenses incurred in attendance upon meetings of the Commission or while otherwise engaged in the discharge of their duties and the same sum per diem for each day or portion thereof in which they are engaged in the performance of such duties as is paid the members of the State Highway Commission.

§ 6. Regular meetings of the Commission shall be held at least once every month at such time and place as the Commission shall from time to time prescribe. Special meetings of the Commission shall be held upon one day's mailed notice, or actual notice otherwise given, to each member of the Commission upon call of the chairman or of any two members of the Commission, at such time and at such place within the District as such notice may specify, or at such other time and place with or without notice as all of the members of the Commission may expressly approve.

§ 7. All bonds heretofore issued by the Commission which are now outstanding are hereby ratified, validated and confirmed, and all acts and proceedings heretofore taken in connection with the authorization and issuance of said bonds are hereby ratified, validated and confirmed and said bonds shall constitute valid obligations of the District.

§ 8. As used in this act the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "District" means the Hampton Roads Sanitation District hereinabove mentioned.

(b) The word "Commission" means the Hampton Roads Sanitation District Commission hereinabove mentioned, or if said Commission shall be abolished, the board, body, commission or agency succeeding to the principal functions thereof or upon whom the powers given by this act to said Commission shall be conferred by law.

(c) The word "sewage" means the water-carried wastes created in and carried, or to be carried, away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or any other private or public building, together with such industrial wastes as may be present.

(d) The term "industrial wastes" means liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource.

(e) The term "sewage disposal system" means and shall include any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, including industrial wastes, or any integral part thereof, and, without limiting the generality of the foregoing defini-

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tion, shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains and all necessary appurtenances and equipment, and shall include all lands, property, rights, rights of way, easements and franchises relating to any such system and deemed necessary or convenient for the operation thereof.

(f) The term "sewer improvements" shall embrace sewer mains and laterals for the reception of sewage from premises connected therewith and carrying such sewage to a sewage disposal system.

(g) The term "sewerage system" shall embrace sewage disposal systems, sewer improvements and all other real and personal property operated by the Commission for the purposes of this act.

(h) The word "cost" as applied to a sewage disposal system or to extensions or additions thereto or to sewer improvements shall include the cost of construction, the cost of all labor, materials, machinery and equipment, the cost of all lands, property, rights, rights of way, easements and franchises acquired, financing charges, interest prior to and during construction and, if deemed advisable by the Commission, for one year after completion of construction, cost of plans and specifications, surveys and estimates of cost and of revenues, cost of engineering and legal services, provisions for working capital and a reserve for interest, and all other expenses necessary or incident to determining the feasibility or practicability of such construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized.

(i) The word "owner" shall include all individuals, copartnerships, associations or corporations and also counties, cities, towns and other political subdivisions and all public agencies and instrumentalities.

(j) The word "bonds" or the words "revenue bonds" shall embrace revenue bonds, notes and other obligations of the District issued under the provisions of this act.

(k) The word "pollution" means the condition of water resulting directly or indirectly from any of the following acts:

(1) contaminating such water;

(2) rendering such water unclean or impure;

(3) rendering such water injurious to public health, or unfit for public use;

(4) rendering such water harmful for cattle, stock or other animals;

(5) rendering such water deleterious to, or unfit for, fish or shellfish, or fish or shellfish propagation, or aquatic animals, or plant life in such water;

(6) rendering such water unfit for commercial use; or

(7) rendering such water harmful to fish or shellfish used for human consumption.

§ 9. Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the Commonwealth of Virginia or of any county, city, town or political subdivision thereof, or a pledge of the faith and credit of the Commonwealth or of any county, city, town or political subdivision thereof, but such bonds shall be payable solely from the funds herein provided therefor from revenues. The issuance of revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth or any county, city, town or political subdivision thereof to levy or to pledge any form of taxation whatever therefor. All such revenue bonds shall contain a statement on their face substantially to the foregoing effect.

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the provisions of this act and no liability or obligation shall be incurred by the Commission hereunder beyond the extent to which moneys shall have been provided under the provisions of this act.

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§ 10. The Commission is hereby authorized and empowered:

(a) to adopt bylaws and to make rules and regulations for the management of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to sue and to be sued;

(d) to construct, and to improve, extend, enlarge, reconstruct, maintain, equip, repair and operate a sewage disposal system or systems, either within or without or partly within and partly without the corporate limits of the District, and to construct sewer improvements within the corporate limits of the District;

(e) to issue revenue bonds, notes or other obligations of the District for any of its authorized purposes, payable solely from the special funds provided under the authority of this act and pledged for their payment, all as provided in this act;

(f) to fix and collect rates, fees and other charges for the services and facilities furnished by any such sewage disposal system or sewer improvements, and to fix and collect charges for making connections with any such system or improvements;

(g) to acquire in the name of the District, either by purchase, lease, grant, or the exercise of the right of eminent domain, such lands, structures, property, rights, rights of way, easements, franchises and other interests in or relating to lands, including lands under water and riparian rights, and to acquire such personal property, as it may deem necessary in connection with the construction, improvement, extension, enlargement or operation of any sewage disposal system or sewer improvements, and to hold and dispose of all real and personal property under its control;

(h) to employ, in its discretion, consulting engineers, attorneys, accountants, construction and financial experts, managers, and such other officers, employees and agents as may be necessary in its judgment, and to fix their compensation;

(i) to exercise jurisdiction, control and supervision over any sewage disposal system or systems or sewer improvements operated or maintained by the Commission and to make and enforce such rules and regulations for the maintenance and operation of any such sewage disposal system or systems or sewer improvements as may, in the judgment of the Commission, be necessary or desirable for the efficient operation of any such system or improvements and for accomplishing the purposes of this act;

(j) to enter on any lands, water or premises located within or without the District to make surveys, borings, soundings or examinations for the purposes of this act;

(k) to construct and operate trunk, intercepting or outlet sewers, sewer mains, laterals, conduits or pipelines in, along or under any streets, alleys, highways or other public places within or without the District; in so constructing its facilities, it shall see that the public use of such streets, alleys, highways, and other public places is not unnecessarily interrupted or interfered with and that such streets, alleys, highways and other public places are restored to their former usefulness and condition within a reasonable time; to this end the Commission shall cooperate with the State Highway Commission and the appropriate officers of the respective counties, cities and towns having an interest in such matters;

(l) to restrain, enjoin or otherwise prevent any county, city, town or political subdivision and any person or corporation, public or private, from discharging into any waters within the District, any sewage, industrial wastes or other refuse which would contribute or tend to contribute to the pollution of such waters, and to restrain, enjoin or otherwise prevent the violation of any provision of this act or of any resolution, rule or regulation adopted pursuant to the powers granted by this act;

(m) to use and connect with any sewage disposal system or sewer

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improvement within the District and, if deemed necessary by the Commission, to close off and seal any outlets and outfalls therefrom;

(n) subject to such provisions and restrictions as may be set forth in the resolution authorizing any revenue bonds or in the trust agreement hereinafter mentioned securing the same, to enter into contracts with the United States of America or any agency or instrumentality thereof, or with any county, city, town or political subdivision or any sanitary district, private corporation, copartnership, association or individual providing for or relating to the treatment and disposal of sewage;

(o) to receive and accept from the United States of America or any agency or instrumentality thereof grants for or in aid of the planning, construction or financing of any sewage disposal system or sewer improvements, and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(p) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

(q) to do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contracts with any persons; and

(r) to execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Commission or to carry out the powers expressly given in this act.

§ 11. (a) The Commission is hereby authorized and empowered to acquire by purchase, lease, grant or conveyance such lands, structures, property, rights, rights of way, easements, franchises and other interests in or relating to lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction and operation of any sewage disposal system or sewer improvements, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof.

All public agencies and commissions of the Commonwealth with the approval of the Governor and all counties, cities, towns and political subdivisions, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the District at the request of the Commission upon such terms and conditions as may be mutually agreed upon, without the necessity for any advertisement, order of court or other action or formality, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Commission, including public highways and other real property already devoted to public use.

(b) The powers of condemnation or eminent domain conferred on the Commission by this act shall be exercised by the Commission pursuant to the provisions of Chapter 1, Title 25, Code of Virginia, 1950, as amended, to the extent that such provisions may be applicable, and subject to the provisions of § 25-233 of said Code.

(c) Title to any property acquired by the Commission shall be taken in the name of the District.

(d) The Commonwealth with the approval of the Governor hereby consents to the use of any lands or property owned by the Commonwealth, including lands lying under water, which are deemed by the Commission to be necessary for the construction or operation of any sewage disposal system or sewer improvements.

§ 12. The Commission is hereby authorized to provide by resolution for the issuance, at one time or from time to time, of revenue bonds of the District for any one or more of the following purposes:

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(a) refunding any bonds heretofore issued by the Commission and any revenue bonds, notes and other obligations issued under the provisions of this act and then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption thereof; provided, however, that no bonds issued after the effective date of this act shall be refunded at a net interest cost exceeding that of such bonds to be refunded,

(b) paying the cost of a sewage disposal system or systems,

(c) paying the cost of extensions and additions thereto, and

(d) paying the cost of sewer improvements.

§ 13. The principal of and the interest on revenue bonds issued under the provisions of this act shall be payable solely from the funds therein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Commission, and may be made redeemable before maturity, at the option of the Commission, at such price or prices and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds; provided, however, that any bonds of more than ten years maturity shall be made redeemable before maturity, at the option of the Commission, at such price or prices and under such term and conditions as may be fixed by the Commission prior to the issuance of the bonds. The Commission shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bond may bear the facsimile signature of, or may be signed by, such person or persons as at the actual time of the execution of such bond shall be the proper officer or officers to sign such bond although at the date of such bond such person or persons may not have been such officer or officers. Notwithstanding any other provisions of this act or any recitals in any bonds issued under the provisions of this act, all such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Commission may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the District, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum (6%) per annum, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values excluding, however, from such computation, the amount of any premium to be paid on the redemption of any bonds prior to maturity.

§ 14. The proceeds of the bonds shall be disbursed in such manner and under such restrictions, if any, as the Commission may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. Such resolution or trust agreement may also contain such limitations upon the issuance of additional revenue bonds, and such provisions for accelerating the maturities

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of the bonds in the event of a default and for amending or supplementing such resolution or trust agreement, as the Commission may deem proper.

§ 15. Prior to the preparation of definitive bonds, the Commission may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Commission may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

§ 16. Except as hereinafter provided in this act, bonds may be issued under the provisions of this act without obtaining the consent or approval of any department, division, commission, board, bureau or agency of the Commonwealth or of any district or other political subdivision of the Commonwealth, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.

§ 17. It shall not be necessary to secure the approval by a majority vote of the qualified voters of the District voting in an election on the question of the issuance of any of such revenue bonds, and none of the limitations, restrictions or conditions which are contained in any other law on the amount of bonds or the manner of issuing bonds shall be applicable to revenue bonds issued under the provisions of this act.

§ 18. Neither the members of the Commission nor any person executing any bonds or temporary bonds shall be liable personally on the bonds or temporary bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

§ 19. In addition to all other powers granted to the Commission by this act, the Commission is hereby authorized and empowered to provide for the issuance at one time or from time to time of notes or other obligations of the District, payable solely from revenues or other funds of the District, for any of its authorized purposes. All the provisions of this act which relate to bonds or revenue bonds shall apply to such notes or other obligations in so far as such provisions may be appropriate.

§ 20. The issuance of bonds, secured by a trust agreement under the provisions of this act shall be subject to the approval of the State Corporation Commission. If the State Corporation Commission shall not enter an order approving or disapproving the issuance of such bonds within sixty days after the Commission shall have filed the resolution authorizing the issuance of such bonds or the trust agreement hereinafter mentioned securing the same with the State Corporation Commission, the issuance of the bonds shall be deemed to have been approved by the State Corporation Commission for the purpose of this paragraph. If the State Corporation Commission shall enter an order within such sixty day period disapproving the issuance of such bonds, the Commission may at any time thereafter file a new or revised resolution or trust agreement for the purpose of securing the approval of the State Corporation Commission of the new or revised bonds of the District.

§ 21. In the discretion of the Commission the revenue bonds of any issue may be secured by a trust agreement by and between the Commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Any such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received, but shall not convey or mortgage any sewage disposal system or sewer improvements or any part thereof. Any such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Commission in relation to the acquisition of property and the construction, improvement, exten-

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sion, enlargement, reconstruction, maintenance, equipment, repair, operation and insurance of the properties of the District, and the custody, safeguarding and application of all moneys. Any such trust agreement may provide for or permit the issuance of additional bonds from time to time for the further extension of the sewerage system. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Commission. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any such trust agreement or resolution may be treated as a part of the cost of operation.

No such trust agreement or resolution need be filed or recorded except in the records of the Commission.

§ 22. The Commission shall, in the resolution providing for the issuance of revenue bonds or in the trust agreement securing the same, fix the schedule of rates, fees and other charges for the use of, and for the services and facilities furnished or to be furnished by, the sewage disposal system or systems and the sewer improvements, if any, for which such bonds are to be issued, to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with or may use any such sewage disposal system or sewer improvements. The Commission may revise such schedule of rates, fees and charges from time to time. Such rates, fees and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times (a) to pay the cost of maintaining, repairing and operating such sewage disposal system or systems and such sewer improvements, if any, including reserves for such purpose and for renewals and replacements and necessary extensions and additions to the sewerage system, (b) to pay the principal of and the interest on such revenue bonds as the same shall become due and to provide reserves therefor, and (c) to provide a margin of safety for making such payments. The Commission shall charge and collect the rates, fees and charges so fixed or revised, and, except as hereinafter provided in this act, such rates, fees and charges shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the Commonwealth or of any district or other political subdivision of the Commonwealth.

Such rates, fees and charges shall be just and equitable and may be based or computed either upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewerage system or upon the number or average number of persons residing or working in or otherwise connected with such premises or upon the type or character of such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors. Charges for services to premises, including services to manufacturing and industrial plants, obtaining all or a part of their water supply from sources other than a public water system may be determined by gauging or metering at the expense of the owner, tenant or occupant of such premises or in any other manner as directed and approved by the Commission. Premises not discharging the entire volume of water into the sanitary sewers shall be allowed a reduction in the charges provided the customer installs facilities, in a manner satisfactory to the Commission, for measuring the volume either discharged or not discharged into the sanitary sewers.

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The Commission shall fix and determine the time or times when and the place or places where such rates, fees and charges shall be due and payable and may require that such rates, fees and charges shall be paid in advance for periods of not more than six months. A copy of the schedules of all rates, fees and charges in effect shall at all times be kept on file at the principal office of the Commission, and such schedules shall at all reasonable times be open to public inspection.

In cases where the character of the sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon any sewage disposal system, an additional charge may be made therefor, or the Commission may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the Commission before discharging such sewage into the sewerage system or prohibit the discharge, directly or indirectly, of such sewage into the sewerage system.

§ 23. Before any revision of the present schedule of rates, fees and charges shall become effective the Commission shall publish a copy thereof for four consecutive weeks in a newspaper of general circulation within the District. If, on or before the last publication, the governing body of any city or county constituting a part of the District or five hundred or more qualified voters residing within the District shall file a petition with the State Corporation Commission complaining of the proposed revision, the State Corporation Commission may by order suspend the placing in effect of such revision for a period not exceeding sixty days from the filing of any such petition during which time it shall investigate whether such revision is just and equitable and in accordance with the provisions of this act. If the State Corporation Commission shall not enter an order suspending, approving or disapproving such revision within sixty days from the filing of any such petition, such revision shall be deemed to be in effect. The Commission or the party or parties filing a petition may appeal to the Supreme Court of Appeals from any such order as may be entered by the State Corporation Commission in the manner provided by law.

§ 24. The owner, tenant, or occupant of each lot or parcel of land within the District which abuts upon a street or other public way containing a sanitary sewer served or which may be served by a sewage disposal system of the District and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall, if so required by such reasonable rules and regulations as shall be promulgated by the Commission, connect such building with such sanitary sewer, and shall cease to use any other method for the disposal of sewage, sewage waste or other polluting matter. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Commission, which rules and regulations may provide for a charge for making any such connection in such reasonable amount as the Commission may fix and establish.

§ 25. In the event that the rates, fees or charges charged by the Commission for the services and facilities of any sewage disposal system or sewer improvements by or in connection with any real estate or other property served shall not be paid as and when due, the owner, tenant or occupant, as the case may be, of such property shall, until such rates, fees and charges shall be paid, cease to dispose of sewage or industrial wastes originating from or on such property by discharge thereof directly or indirectly into the sewerage system, and if such owner, tenant or occupant shall not cease such disposal within two months thereafter, it shall be the duty of each county, city, town or other public corporation, board or body, private corporation or person supplying water to or selling water for use on, such property, within five days after receipt of notice of such facts

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from the Commission to cease supplying water to, and selling water for use on, such property. If such county, city, town or other public corporation, board or body, private corporation or person shall not within such time cease supplying water to, and selling water for use on, such property, the Commission may shut off the supply of water to such property and may disconnect such property from such sewage disposal system or sewer improvements, and for such purposes may enter on any lands, waters and premises of such county, city, town or other public corporation, board or body, private corporation or person.

If any rates, fees or charges for the services and facilities furnished by any sewage disposal system or sewer improvements of the District shall not be paid within thirty days after the same shall become due and payable, the Commission may at the expiration of such thirty day period proceed to recover the amount of any such delinquent rates, fees or charges by any action, suit or proceeding permitted by law or in equity.

§ 26. The Commission shall keep and preserve a complete register, or registers, open to public inspection, of all rates, fees and charges which have been charged by the Commission to the owners, tenants or occupants of any real estate for the use and services of any sewage disposal system or sewer improvements and have become due and payable and have not been paid. Such register or registers shall be kept in such place or places as the Commission shall determine.

§ 27. The Commission and any county, city, town or other political subdivision in whole or in part embraced within the District or any privately or publicly owned water company are authorized to enter into a contract or contracts providing for the collection by such county, city, town or political subdivision or privately or publicly owned water company and payment over to the Commission of the rates, fees and charges charged by the Commission against the owners, tenants or occupants of real estate within such county, city, town or political subdivision or served by such privately or publicly owned water company, or providing for the payment to the Commission by such county, city, town or political subdivision or privately or publicly owned water company of a sum or sums of money in lieu of all or part of the rates, fees and other charges which would otherwise be charged by the Commission to the owners, tenants or occupants of real estate within such county, city, town or political subdivision or served by such privately or publicly owned water company. Such county, city, town or political subdivision or privately or publicly owned water company is vested with powers to do everything necessary or proper to carry out and perform every such contract, including the same powers with respect to rates, fees and other charges as are conferred by this act upon the Commission. The Commission is authorized to reduce ratably in accordance with such contract the rates, fees and other charges which would otherwise be charged by the Commission to the owners, tenants or occupants of real estate within such county, city, town or political subdivision or served by such privately or publicly owned water company, but nothing in this section or any such contract shall be construed to prevent the Commission from charging to and collecting from such owners, tenants or occupants of such real estate, in the same manner as provided for such rates, fees and other charges, any deficiency in any payment agreed to be made by such county, city, town or political subdivision or privately or publicly owned water company.

§ 28. All revenues derived by the Commission from the sewage disposal system or systems or sewer improvements financed or refinanced by the bonds of any issue or issues, except such part thereof as may be required to pay the cost of maintaining, repairing and operating such system or systems or sewer improvements and to provide such reserves therefor as may be provided in the resolution providing for the issuance

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of such revenue bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement and deposited to the credit of the following special funds:

(a) a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided, including the accumulation of a reserve for such purposes; such pledge shall be valid and binding from the time when the pledge is made, the revenues so pledged and thereafter received by the Commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Commission or the District, irrespective of whether such parties have notice thereof; and

(b) a fund for anticipated renewals, replacements, extensions, additions and extraordinary repairs of the sewerage system.

The use and disposition of moneys to the credit of any such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of such revenue bonds or in the trust agreement securing the same, and, except as may otherwise be provided in such resolution or trust agreement, such sinking fund shall be a fund for the benefit of such bonds without distinction or priority of one over another.

§ 29. All moneys received pursuant to the provisions of this act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this act, and none of such moneys shall be required to be paid into the State treasury or into the treasury or to any officer of any county, city, town or other political subdivision. The Commission may provide for the payment of the proceeds of the sale of the bonds and the revenues to be received to a trustee, which shall be any trust company or bank having the powers of a trust company within or without the Commonwealth, which shall act as trustee of the funds, and hold and apply the same to the purposes of this act, subject to such regulations as this act and the Commission may provide. All such moneys shall be secured or shall be invested and reinvested, all as may be provided by the Commission.

§ 30. Any holder of bonds issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement or by the resolution providing for the issuance of such bonds, may either at law or in equity, by suit, action, injunction, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted by this act or under such trust agreement or such resolution and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the Commission or by any officer, agent or employee thereof, including the fixing, charging and collecting of rates, fees and charges for the services and facilities furnished by any sewage disposal system or systems and any sewer improvements.

Such resolution or trust agreement may also provide for the appointment of a receiver in the event of a default, who may enter upon and take possession of any facilities or property operated by the Commission, any of the revenues from the operation of which are pledged for the security of such bonds, and operate and maintain the same and fix, charge, collect and receive all rates, fees and other charges and other revenues thereafter arising from such operation in the same manner as the Commission itself might do, and shall deposit all moneys collected in a separate

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account and apply the same in accordance with the duties and contracts of the Commission in such manner as the court appointing such receiver shall direct.

§ 31. The exercise of the powers granted by this act shall be in all respects for the benefit of the inhabitants of the Commonwealth and for the promotion of their safety, health, welfare, convenience and prosperity, and as the operation and maintenance of the sewerage system by the Commission will constitute the performance of essential governmental functions, the Commission shall not be required to pay any taxes or assessments upon the sewerage system or any property acquired or used by the Commission under the provisions of this act or upon the income therefrom; and the revenue bonds issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, town or other political subdivision thereof.

§ 32. The Commission shall have no power to mortgage, pledge, encumber or otherwise dispose of any part of the sewerage system of the District, except such part or parts thereof as may be no longer necessary or useful for the purposes of the Commission. The provisions of this section shall be deemed to constitute a contract with the holders of bonds of the District. The sewerage system of the District shall be exempt from any and all liability which may be incurred by, or imposed upon, the Commission or any county, city, town or political subdivision.

§ 33. Any bonds issued pursuant to the authority of this act are hereby made securities in which all public officers and public bodies of the Commonwealth and all political subdivisions thereof, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries, savings banks and savings institutions, including savings and loan associations, in the Commonwealth, may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any Commonwealth or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

§ 34. The Commission shall keep and preserve complete and accurate accounts and records of all moneys received and disbursed by it and of all of its business and operations and of all property and funds owned or managed by it or under its control, and shall prepare and transmit to the Governor and to the governing body of each county, city and town which is in whole or in part embraced within the District, annually and at such other times as the Governor shall require, complete and accurate reports as to the state and content of such accounts and records, together with such information with respect thereto as the Governor may require.

§ 35. Any substantial change in the method used by the Commission for treating and disposing of sewage and industrial wastes so as to prevent the pollution of any waters within the District, shall, before being finally adopted or used by the Commission, be approved by the State Health Commissioner as effective and satisfactory for the purpose intended.

§ 36. Each county, city, town and other political subdivision in whole or in part embraced within the District and each privately or publicly owned water company shall, at the request of the Commission, make available to the Commission or the officers, agents or employees thereof, any or all maps, plans, specifications, records, books, accounts or other data or things deemed necessary by the Commission in the exercise of its powers and duties under this act.

§ 37. Any county or city which shall have previously withdrawn

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from the District shall, if requested by the Commission, provide by its sewerage system for the treatment and disposal of sewage and industrial wastes arising in or discharged from the District and shall agree with the Commission to treat and dispose of such sewage and industrial wastes so delivered at the cost of such treatment and disposal; provided, however, the Commission shall pay to such county or city the cost of installing any additional sewerage facilities necessitated thereby within such county or city. If the parties do not agree upon such cost, such cost shall be determined upon petition to the State Corporation Commission which is hereby authorized and directed to make such determination.

§ 38. Each county, city, town or other political subdivision shall promptly pay to the Commission all rates, fees and charges which the Commission may charge to it as owner, tenant or occupant of real estate. The Commission and any county, city, town or political subdivision in whole or in part outside of the District are authorized to enter into contracts providing for or relating to the treatment and disposal of sewage or industrial wastes originating in such county, city, town or political subdivision, by means of any sewage disposal system or such other facilities as the Commission may determine to provide for such purpose, and such county, city, town or political subdivision is authorized to do everything necessary or proper to carry out and perform every such contract.

§ 39. The powers conferred by this act on counties, cities, towns and political subdivisions are in addition and supplemental to the powers conferred by any other law and may be exercised by resolution of the governing bodies thereof without regard to the terms, conditions, requirements, restrictions or other provisions contained in any other law, general or special, or in any charter, except that where rates, fees and charges are fixed by a city or town, that power shall be exercised by ordinance.

§ 40. No county, city, town or other political subdivision or person or corporation, public or private, shall discharge, or suffer to be discharged, directly or indirectly into any waters within the District any sewage, industrial wastes or other refuse which may or will cause or contribute to pollution of any such waters.

No county, city, town or other political subdivision or person or corporation, public or private, shall discharge, or suffer to be discharged, directly or indirectly, into any sewage disposal system or any other facilities of or provided by the Commission, any matter or thing which is or may be injurious or deleterious to such sewage disposal system or other facilities.

No county, city, town or other political subdivision or person or corporation, public or private, shall plan, construct or place in service any new sewer improvement in the District which will or may thereafter be served by the Commission's sewerage system and which will or may thereafter, in the opinion of the Commission, cause overloading of the sewerage system or the entrance into the sewerage system of excessive ground or surface water or other matter or thing which is injurious or deleterious to the sewerage system. In order to carry out the provisions of this paragraph every county, city, town or other political subdivision or person or corporation, public or private, if requested by the Commission to do so, shall furnish to the Commission plans and specifications for such sewer improvements and shall provide access for Commission inspection of all new sewer construction work as it proceeds and of all construction records and materials used. In addition to other powers granted the Commission, it shall have the right to refuse service to any new sewer extension or improvement constructed or operated in violation of this paragraph.

§ 41. Any county, city, town or other political subdivision or person or corporation, public or private, may be restrained, enjoined or other-

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wise prevented from violating or continuing the violation of any provision of this act by injunction, mandamus or any other appropriate remedy at law or in equity, by any court of competent jurisdiction, upon action, bill, suit or other proceeding instituted by the Commission or by any attorney for the Commonwealth.

§ 42. No violation of any provision of this act shall be deemed to occur by reason of the discharge of sewage from any boat or vessel while afloat or on a marine railway or in dry dock.

§ 43. Any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be punished accordingly.

§ 44. No member, officer, agent or employee of the Commission shall contract with the Commission or be interested, either directly or indirectly, in any contract with the Commission, or in the sale of any property, either real or personal, to the Commission. This section shall not prevent any member, officer, agent or employee of the Commission from granting to the Commission, for a nominal consideration, any right of way, easement or lease.

§ 45. All construction contracts, except in cases of emergency, over ten thousand dollars that the Commission may let for construction or materials in connection with such construction shall be let after public advertising. The Commission shall advertise for bids for the work or materials at least ten days prior to the letting of any contracts therefor. The advertisement shall state the place where bidders may examine the plans and specifications and the time and place where bids for the work or materials will be opened. Each bidder shall accompany his bid with a certified check, payable to the Commission, for a reasonable sum to be fixed by the Commission, as a guarantee that if the contract is awarded to him, he will enter into a contract with the Commission for doing the work or furnishing the materials. The contract shall be let to the lowest responsible bidder, and the successful bidder shall give bond or other security for the faithful performance of the contract, in such form and amount as the Commission may require. The Commission is authorized to reject any and all bids. In the event that all bids are rejected, the Commission shall advertise for new bids as in the first instance. All bids and contracts shall be public records. The Commission is authorized, in its discretion, to do any and all such work by force account.

§ 46. No pecuniary liability of any kind shall be imposed upon any county, city, town or other political subdivision constituting any part of the District because of any act, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance, by or on the part of the Commission, or any member of the Commission, or any of its officers, agents and employees, except as otherwise provided in this act with reference to contracts and agreements between the Commission and any county, city, town or other political subdivision.

§ 47. The Commission is authorized to appoint all agents and employees of the Commission, dismiss them, fix their salaries or remuneration, assign their positions and titles, define their respective powers and duties, and require them or any of them to give bond payable to the District in such penalty as shall be fixed by the Commission conditioned upon the faithful discharge of their duties.

§ 48. The circuit court of the county or the corporation or circuit court of the city in which any territory proposed to be added to the District is located, upon receipt of a petition of the Commission or a petition of the governing body of the territory proposed to be added to the District or a petition signed by not less than twenty-five per centum (25%) of the qualified voters residing within the limits of the territory proposed to be added to the District, or a petition signed by the owners of not less than twenty-five per centum (25%) by area of the real

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property within the territory proposed to be added to the District, shall enter an order fixing the date and hour and place for a public hearing on the question of the addition of territory to the District, which order shall set forth a copy of the petition, excluding signatures, and shall describe the territory proposed to be added to the District.

A copy of such order shall be published once a week for three consecutive weeks in a newspaper of general circulation within the territory proposed to be added to the District to be designated by such court and posted in such public places within such territory as shall be designated by such court. The first of such publications and such posting shall occur not less than thirty days prior to the date fixed for such hearing.

At the time and place stated in such order, or to which an adjournment may be taken by the court, the court shall receive and hear any objections of interested persons to the addition of such territory to the District or to any defect in the petition and the court may then or thereafter grant such petition with such modifications, if any, as it may deem advisable and which do not enlarge the territory proposed to be added to the District. All such objections shall be made in writing, in person or by attorney, and filed with the court at or before the time or adjourned time of such hearing. Any such objections not so made shall be considered as waived.

If upon such hearing the court shall be of the opinion that any area proposed to be added to the District will not be benefited by the District, then said area shall not be included in the District. The order altering the boundaries of and enlarging the District shall prescribe the territory to be added to the District and fix the boundaries thereof.

From an order enlarging the District under the provisions of this section an appeal shall lie to the Supreme Court of Appeals in the manner provided by law.

If the city of Hampton, Newport News, Norfolk or South Norfolk shall hereafter annex any territory not then within the District to said city, such territory shall become a part of and be embraced within the District at such time as such annexation shall become effective.

§ 49. Nothing in this act shall be construed to affect, impair, repeal or supersede in any way the powers of the State Water Control Board under the provisions of Chapter 2, Title 62, Code of Virginia, 1950, as amended.

§ 50. This act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

§ 51. If any one or more sections, clauses, sentences or parts of this act shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

2. Chapter 407 of the Acts of Assembly of 1940, as amended by Chapter 353 of the Acts of Assembly of 1946 and Chapter 471 of the Acts of Assembly of 1956, and continued in effect by § 21-291, as amended, of the Code of Virginia, is hereby repealed.

3. All acts and parts of acts, general, special, private and local, inconsistent with the provisions of this act, are hereby repealed to the extent of such inconsistency.

4. An emergency exists and this act is in force from its passage.

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CHAPTER 67

An Act to amend the Code of Virginia by adding in Chapter 9 of Title 38.1 thereof a new article numbered 5.1 containing sections numbered 38.1-482.1 through 38.1-482.16, to prescribe the form and content of policies, certificates and statements of credit life and credit accident and sickness insurance, to prescribe the amount and terms of such insurance, to require filing of forms and premium schedules, to require certain refunds, to provide for compensation for providing and servicing such insurance, to provide for licensing of agents, to regulate the payment of claims, to provide for enforcement and the powers of the State Corporation Commission with respect thereto; and to provide penalties.

[H 122]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Chapter 9 of Title 38.1 thereof a new article numbered 5.1 containing sections numbered 38.1-482.1 through 38.1-482.16, as follows:

Article 5.1

CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND SICKNESS INSURANCE

§ 38.1-482.1. All life insurance and all accident and sickness insurance sold in connection with loans or other credit transactions shall except as provided in § 38.1-482.12 be subject to the provisions of this article except such insurance sold in connection with a loan or other credit transaction of more than five years duration. The provisions of this article shall be controlling as to such insurance and no other provisions of this title shall be applicable unless otherwise specifically provided.

§ 38.1-482.2. As used in this article, unless the context requires otherwise, the following words or terms shall have the meanings herein ascribed to them, respectively:

(a) "Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction;

(b) "Credit accident and sickness insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy;

(c) "Creditor" means the lender of money or vendor or lessor of goods, services, property, rights or privileges, for which payment is arranged through a credit transaction or any successor to the right, title or interest of any such lender, vendor or lessor, and an affiliate, associate or subsidiary of any of them or any director, officer or employee of any of them or any other person in any way associated with any of them;

(d) "Debtor" means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction;

(e) "Indebtedness" means the total amount payable by a debtor to a creditor in connection with a loan or other credit transaction;

(f) "Franchise credit life insurance" and "franchise credit accident and sickness insurance" mean that form of insurance by which a master policy is issued to and in favor of a creditor, under which policy debtors are insured at the option of the creditor, in a manner similar to, but without the necessity of issuance of, individual policies;

(g) "Credit life insurance agent" means an agent of an insurance company licensed in this State, who is authorized to solicit, negotiate or

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effect credit life insurance or credit accident and sickness insurance, or both, but only to the extent as is authorized and limited in this article;

(h) "Commission" means the State Corporation Commission;

(i) "Commissioner" means the Commissioner of Insurance.

§ 38.1-482.3. Credit life insurance and credit accident and sickness insurance shall be issued only in the following forms:

(a) Individual policies of life insurance issued to debtors on the term plan;

(b) Individual policies of accident and sickness insurance issued to debtors on a term plan or disability benefit provisions in individual policies of credit life insurance;

(c) Group policies of life insurance issued to creditors providing insurance upon the lives of debtors on the term plan subject to the following requirements:

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable either (i) in installments over a period not to exceed five years or (ii) in one sum at the end of a period not in excess of eighteen months from the initial date of debt or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. No debtor shall be eligible unless the indebtedness constitutes an irrevocable obligation to repay which is binding upon him during his lifetime at the time the insurance becomes effective upon his life.

(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. No policy covering debtors under obligations outstanding at the date of its issuance shall, when a part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges for insurance, include in the class or classes eligible for insurance without evidence of insurability, any such debtors unless at least seventy-five per centum of the then eligible debtors elect to pay the required charges; and no such policy on which no part of the premium is to be derived from collection of such identifiable charges shall be issued unless it insures all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five per centum of the new entrants become insured. The policy may exclude from the classes eligible for insurance classes of debtors determined by age.

(4) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in instalments to the creditor, or ten thousand dollars, whichever is less. Where the indebtedness is repayable in one sum to the creditor, the insurance on the life of any debtor shall in no instance be in effect for a period in excess of eighteen months except that such insurance may be continued for an additional period not exceeding six months in the case of default, extension or recasting of the loan. The amount of the insurance on the life of any debtor shall at no time exceed the amount of the unpaid indebtedness, or ten thousand dollars, whichever is less.

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(5) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(d) Group policies of accident and sickness insurance issued to creditors on a term plan insuring debtors or disability benefit provisions in group credit life insurance policies to provide such coverage;

(e) Franchise master policies issued to creditors to provide life insurance coverage for debtors on the term plan; and

(f) Franchise master policies issued to creditors to provide accident and sickness insurance coverage for debtors on the term plan.

§ 38.1-482.4. (a) The amount of credit life insurance shall not exceed the initial indebtedness. Whether an indebtedness is repayable in substantially equal instalments or in a single sum, the amount of insurance shall at no time exceed the amount of the unpaid indebtedness.

(b) The total amount of periodic indemnity payable by credit accident and sickness insurance in the event of disability, as defined in the policy, shall not exceed the total amount of the initial indebtedness, nor shall any one payment of periodic indemnity exceed the initial indebtedness divided by the number of such periodic payments.

§ 38.1-482.5. The term of any credit life insurance or credit accident and sickness insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor, except that, where a group policy or a franchise master policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to such indebtedness shall commence on the effective date of the policy. The term of such insurance shall not extend more than fifteen days beyond the scheduled maturity date of the indebtedness or final instalment thereof except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to such maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited as provided in § 38.1-482.8.

§ 38.1-482.6 (a) All credit life insurance and credit accident and sickness insurance sold shall be evidenced by an individual policy, or in the case of group insurance or insurance under a franchise master policy where any part of the premium is paid by the debtors or by the creditors from identifiable charges collected from the insured debtors not required of an uninsured debtor, by a certificate or statement of insurance.

(b) Each individual policy or certificate or statement of credit life insurance, and/or credit accident and sickness insurance shall set forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment, if any, by the debtor separately for credit life insurance and credit accident and sickness insurance, a description of the coverage including the amount and term thereof, and any exceptions, limitations or restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness.

(c) No individual policy of credit life insurance or credit accident and sickness insurance, no group policy of credit life insurance or credit accident and sickness insurance, and no franchise master policy of credit life insurance or credit accident and sickness insurance shall be delivered or issued for delivery in this State, unless each contains in substance all of the following provisions:

(1) In each policy there shall be a provision that the policy, or the policy and application therefore, if any and if a copy of the application is endorsed upon or attached to the policy when issued, shall constitute the entire contract between the parties, and that all statements made by the

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creditor or by the individual debtors shall, in the absence of fraud, be deemed representations and not warranties.

(2) In each such policy there shall be a provision that the validity of the policy shall not be contested, except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that no statement made by any person insured under the policy relating to his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force for a period of two years during such person's lifetime, and prior to the date on which the claim thereunder arose.

(3) In each such policy there shall be a provision that when a claim for the death or disability of the insured arises thereunder, settlement shall be made upon receipt of due proof of such death or such disability.

(4) On the face of each such policy there shall be placed a title which shall briefly and accurately describe the nature and form of the policy.

(5) Each such policy, including rider and endorsement, shall be identified by a form number in the lower left-hand corner of the first page thereof, and no restriction, condition or provision in or endorsed on such policy shall be valid unless such provision or condition is printed in type as large as brevier or eight point type, or is written in pen and ink or typewritten in or on such policy.

(d) No individual policy of credit life insurance or credit accident and sickness insurance, no group policy of credit life insurance or credit accident and sickness insurance, and no franchise master policy of credit life insurance or credit accident and sickness insurance shall be delivered or issued for delivery in this State if it contains any provision:

(1) Limiting the time within which any action at law or in equity may be commenced to less than one year after the cause of action accrues; or

(2) To the effect that the agent soliciting the insurance is the agent of the person insured under the policy, or making the acts or representations of such agent binding upon the person so insured under the policy.

(e) Where any part of the premium is paid by the debtors, or by the creditor from identifiable charges collected from the insured debtors not required of uninsured debtors, then a copy of the individual policy or certificate or statement of insurance shall be delivered to the insured debtor at the time the insurance is effected or within five days thereafter.

§ 38.1-482.7. (a) All forms of policies, certificates of insurance, statements of insurance, endorsements and riders intended for use in this State shall be filed with the Commission.

(b) The Commission shall within thirty days after the filing of any such policies, certificates of insurance, statements of insurance, endorsements and riders, disapprove any such form if it contains provisions which are contrary to, or not in accordance with, any provision of this article or of any rule or regulation promulgated thereunder.

(c) If the Commission notifies the insurer that the form is disapproved, it is unlawful thereafter for such insurer to issue or use such form. In such notice, the Commission shall specify the reason for its disapproval and state that a hearing will be granted within twenty days after request in writing by the insurer. No such policy, certificate of insurance, statement of insurance, endorsement or rider, shall be issued or used until the expiration of thirty days after it has been so filed, unless the Commission shall give its prior written approval thereto.

(d) The Commission may, at any time after a hearing held not less than twenty days after written notice to the insurer, withdraw its approval of any such form on any ground set forth in subsection (b) above. The written notice of such hearing shall state the reason for the proposed withdrawal.

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(e) No insurer shall issue such forms or use them after the effective date of such withdrawal.

§ 38.1-482.8. (a) Each insurer issuing credit life insurance or credit accident and sickness insurance shall file with the Commission its schedules of premium rates for use in connection with such insurance. Any insurer may revise such schedules from time to time, and shall file such revised schedules with the Commission. No insurer shall issue any credit life insurance policy or credit accident and sickness insurance policy for which the premium rate exceeds that shown by the schedules of such insurer as then on file with the Commission.

(b) Each individual policy, certificate or statement of insurance shall provide that in the event of termination of the insurance prior to the schedule maturity date of the indebtedness, any refund of an amount paid by the debtor for insurance shall be paid or credited promptly to the person entitled thereto; provided, however, that the Commission shall prescribe a minimum refund and no refund which would be less than such minimum need be made. The formula to be used in computing such refund shall be filed with and approved by the Commission.

(c) If a creditor requires a debtor to make any payment for credit life insurance or credit accident and sickness insurance and an individual policy or certificate or statement of insurance is not issued, the creditor shall immediately give written notice to such debtor and shall promptly make an appropriate credit to the account.

(d) The amount charged by the creditor to the debtor for any credit life or credit accident and sickness insurance shall not exceed the premium rate filed with the Commission for the coverage provided.

§ 38.1-482.9. Credit life insurance and credit accident and sickness insurance is usually effected when the creditor deems it is essential to the making of the loan or other extension of credit giving rise to such insurance, and such insurance is necessarily arranged for simultaneously with the entering into such credit transaction. In recognition of the foregoing conditions, and notwithstanding the provisions of any other statutes of this State which expressly or by construction may provide otherwise:

(a) A portion of the premium of credit life insurance or credit accident and sickness insurance may be allowed by the insurer to a creditor, its affiliate or associate or subsidiary or a director, officer or employee of any of them for providing and servicing such insurance, and such portion of the premium so allowed shall not be deemed as a rebate of premium or as interest or charges or consideration or an amount in excess of permitted charges in connection with the loan or other credit transaction; and

(b) All of the acts necessary to provide and service credit life insurance and credit accident and sickness insurance may be performed within the same place of business in which is transacted the business giving rise to the loan or other credit transaction.

§ 38.1-482.10. (a) All policies of credit life insurance and credit accident and sickness insurance shall be delivered or issued for delivery in this State only by an insurer authorized under § 38.1-85 to § 38.1-98 inclusive to do an insurance business therein, and shall be issued only through holders of licenses or authorizations issued by the Commission under § 38.1-301.1 to § 38.1-301.9 inclusive or under subsection (b) of this section.

(b) Every individual who desires to obtain a license as a credit life insurance agent shall make written application to the Commission in such form and containing such information as the Commission shall prescribe. Each such applicant shall, at the time of filing his application, pay a fee of two dollars, which shall be collected by the Commission and

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paid directly into the State treasury and placed to the credit of the fund for the maintenance of the division or bureau of the Commission established for the administration of the insurance laws of the State. The fee shall not be refundable. Upon the Commission being satisfied that an applicant is of good character, that he bears a good reputation, is honest and his application shows he has sufficient knowledge of the requirements of this article to intelligently conduct the insurance business as authorized thereunder, then such applicant shall be entitled to and shall receive from the Commission a license as a credit life insurance agent. The contents and duration of such license, the annual fee therefor and the grounds and procedure for refusing, suspending or revoking such license shall be subject to the applicable provisions of § 38.1-302 to § 38.1-314 inclusive.

§ 38.1-482.11. (a) All claims shall be promptly reported to the insurer or its designated claim representative, and the insurer shall maintain adequate claim files. All claims shall be settled as soon as possible and in accordance with the terms of the insurance contract.

(b) All claims shall be paid either by draft drawn upon the insurer or by check of the insurer to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or upon direction of such claimant to one specified.

(c) No plan or arrangement shall be used whereby any person, firm or corporation other than the insurer or its designated claim representative shall be authorized to settle or adjust claims. The creditor shall not be designated as claim representative for the insurer in adjusting claims; provided, that a group or franchise policyholder may, by arrangement with the insurer, draw drafts or checks in payment of claims due to the group or franchise policyholder subject to audit and review by the insurer.

§ 38.1-482.12. When credit life insurance or credit accident and sickness insurance is required as security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this State.

§ 38.1-482.13. (a) The Commission may, after notice and hearing, issue such rules and regulations consistent with the provisions of this article as it deems appropriate for the supervision of the regulatory provisions of this article. Every such regulation, every administrative ruling, and every requirement of general application shall be in writing and maintained as a public record in an indexed permanent book with date of each suitably indicated. A copy of each regulation and order promulgating it shall be mailed by the Commission to all insurers licensed to write insurance under this article.

(b) Whenever the Commission finds that there has been a violation of this article or any rules or regulations issued pursuant thereto, and after written notice thereof and hearing given to the insurer or other person authorized or licensed by the Commission, it shall set forth the details of its findings together with an order for compliance by a specified date. Such order shall be binding on the insurer and other person authorized or licensed by the Commission on the date specified unless sooner withdrawn by the Commission or a stay thereof has been ordered by the Supreme Court of Appeals.

§ 38.1-482.14. In addition to any other remedy, an insurer or any other person in interest considering himself aggrieved by an action of the Commissioner hereunder pursuant to authority conferred upon him or delegated to him by the Commission, may within thirty days of the action complained of, file a petition as a matter of right with the Commission to review the action. The proceedings on review shall be de novo and the

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record and summary of the evidence before, and findings of, the Commissioner shall be admissible as evidence before the Commission.

§ 38.1-482.15. From any action taken by the Commission hereunder, whether upon petition from action taken by the Commissioner, or otherwise, any insurer, or any other person in interest considering himself aggrieved, may, as a matter of right, appeal to the Supreme Court of Appeals in the manner provided by law.

§ 38.1-482.16. In addition to any other penalty provided by law, any person who violates an order of the Commission after it has become final, and while such order is in effect, upon proof thereof to the satisfaction of the Commission, shall be subject to a fine to be imposed by the Commission, of not less than ten dollars nor more than two hundred fifty dollars, except that if such violation is found by the Commission to be willful, the amount of such fine may be in a sum not to exceed one thousand dollars. The Commission, in its discretion, may revoke or suspend the license or certificate of authority of the person guilty of such violation. All action under this section including any such order for suspension or revocation shall be upon notice and hearing.

2. If any provision of this article, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the article, and the application of such provision to any person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 68

An Act to amend and reenact § 56-334, as amended, of the Code of Virginia, relating to enforcement of motor vehicle laws.

[H 160]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 56-334, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 56-334. (a) The Commission may appoint such agents, inspectors or investigators as it may deem necessary and such agents, inspectors or investigators and officers of the Department of State Police shall have the authority and powers of a sheriff to enforce the laws, rules and regulations governing the operation of motor vehicles on the highways of the State, and such agents, inspectors or investigators and officers of the Department of State Police shall have jurisdiction throughout the State and are given authority upon displaying badge or other credential of office to arrest any person found in the act of violating any of the laws, rules and regulations governing the operation of motor vehicles which the Commission is required to administer.

(b) Agents, inspectors or investigators and officers of the Department of State Police may stop, and if found necessary examine the lading of any motor vehicle, trailer or semitrailer operating on any highway of this State for the purpose of determining that it is operating in accordance with the laws, rules and regulations governing the operation of motor vehicles which the Commission is required to administer.

(c) Any agent, inspector or investigator or officer of the Department of State Police is given the authority to remove from any motor vehicle or to secure from any person to whom issued any warrant, exemption card, registration card, tag, plate or other evidence of authority to operate such motor vehicle issued by the Commission which is being im-

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properly used or which has been properly suspended or cancelled and any person refusing to surrender any warrant, exemption card, registration card, tag, plate or other evidence of authority shall be guilty of a misdemeanor, and subject to the penalties provided in § 56-335.

(d) Any agent, inspector or investigator *or State police officer* shall have the authority to issue a summons and accept a written promise to appear in like manner as is provided in § 46.1-178 of the Code; and the penalty for the violation of such promise shall be as therein provided.

(e) No agent, inspector or investigator appointed by the Commission shall receive any compensation from any source other than through the Commission.

(f) The Commission or any agent, inspector or investigator may request the assistance of any State police officer in the enforcement of the laws, rules and regulations governing the operation of motor vehicles on the highways of the State which the Commission is required to administer and any agent, inspector or investigator shall assist any State police officer when his services are requested.

(g) Every agent, inspector or investigator shall, before entering upon or continuing in his duties, enter into bond with some solvent guaranty company authorized to do business in this State as surety, in the penalty of six thousand dollars and with the condition for the faithful and lawful performance of his duties. Such bond shall be filed in the Commission's office and the premiums thereon shall be paid out of the fund appropriated for the enforcement of the laws regulating the operation of motor vehicles on the highways of the State. All persons injured or damaged in any manner by the unlawful, negligent or improper conduct of any such officer while on duty may maintain an action upon such bond, provided, however, that the aggregate liability of his surety to all such persons shall, in no event, exceed the penalty of such bond.

(h) If any such agent, inspector or investigator shall be arrested or indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Commission may employ special counsel approved by the Attorney General to defend such agent, inspector or investigator. The compensation for special counsel employed pursuant to this section shall, subject to the approval of the Attorney General, be paid out of the funds appropriated for the administration of the Virginia Motor Carrier Laws.

(i) Nothing in this section shall be considered as restricting or limiting in any way the powers, authority and duties of the State police.

CHAPTER 69

An Act to amend and reenact § 14-155, as amended, of the Code of Virginia, relating to maximum fees allowed certain officers.

[H 236]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-155, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-155. The total annual compensation, exclusive of expenses authorized by the State Compensation Board, of any officer mentioned in § 14-145 shall not exceed the sums hereinafter named, to-wit:

In cities or counties having a population of one hundred thousand or more, such compensation shall not exceed the sum of seventy-five hundred

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dollars per annum; with a population between thirty-eight thousand and forty thousand such compensation shall not exceed eight thousand five hundred dollars per annum; with a population between fifty thousand and one hundred thousand and in counties adjoining cities having a population of fifty thousand or more, such compensation shall not exceed seven thousand dollars per annum; with a population between twenty-five thousand and fifty thousand, such compensation shall not exceed six thousand seven hundred fifty dollars per annum; with a population between fifteen thousand and twenty-five thousand, such compensation shall not exceed sixty-five hundred dollars per annum; and with a population of fifteen thousand or less, such compensation shall not exceed four thousand five hundred dollars per annum except in cities of the first class in which it shall not exceed five thousand dollars per annum exclusive of any compensation allowed by the respective city councils; and provided, however, that in determining the compensation allowed to any such officer hereunder any compensation allowed to such officer by his city council or county board of supervisors, other than commissions allowed by State law for the discharge of any duties imposed upon such officer by the council of the city, board of supervisors of the county, or laws of this State shall be disregarded to the extent of: (a) not more than five thousand dollars in cities having a population of two hundred thousand or more and in counties adjoining cities having a population of two hundred thousand or more, (b) not more than twenty-five hundred dollars in cities or counties having a population * *of less than* two hundred thousand and * *not included in section (a) above.* Provided that when, in any city having a population in excess of one hundred thousand, any person serves as clerk of more than one court of record in such city he shall annually receive, in addition to the compensation to which he is entitled as clerk of any court of record in such city, not to exceed one thousand dollars additional for each other such court of which he is clerk. Provided that in any county having a population of more than twenty-nine thousand but less than twenty-nine thousand seven hundred such compensation shall not exceed six thousand five hundred dollars. Provided, further, that in any county having a density of population in excess of four thousand persons to a square mile or in any county or city adjoining such county, or in any city having more than two hundred thousand population, any person who serves as clerk of any court of record having two or more regularly appointed or elected judges and/or serves as clerk of more than one court, whether the same be a court of record or otherwise, he shall receive annually, in addition to the compensation to which he is entitled as court clerk in such county or city not to exceed one thousand dollars additional for each judge, in excess of one, of a court of record for which he acts as clerk and one thousand dollars additional for each other statutory court of which he is clerk, whether the same be a court of record or otherwise. Provided, further, that in any county having a population in excess of ninety-nine thousand and containing an even number of magisterial districts, such compensation shall not exceed eight thousand five hundred dollars.

Nothing herein shall be construed to alter or affect in any manner the increases heretofore provided and now in effect.

2. An emergency exists and this act is in force from its passage.

CHAPTER 70

An Act to amend and reenact § 8 of Chapter II and §§ 1, 2, and 3 of Chapter XI of Chapter 578 of the Acts of Assembly of 1952, approved April 3, 1952, which provided a charter for the city of Danville, the sections

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relating to date of initial meeting of council and the budget.

[H 268]

Approved February 23, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8 of Chapter II and §§ 1, 2 and 3 of Chapter XI of Chapter 578 of the Acts of Assembly of 1952, approved April three, nineteen hundred fifty-two, be amended and reenacted as follows:

Chapter II

§ 8. Induction of Members. The first meeting of the newly elected council shall take place in the council chamber in the municipal building at twelve o'clock noon on the first day of September following their election, or if such day shall fall on Sunday *or a holiday,* then on the * *next day which is not a Sunday or a holiday.* It shall be called to order by the city clerk, who shall administer the oath of office to the duly elected members. In the absence or inability of the city clerk, the meeting may be called to order and the oath administered by the city attorney. The first business of the council shall be the election of a president and vice-president and the adoption of rules and of procedure. Until this business has been completed, the council shall not adjourn for a period longer than forty-eight hours.

§ 1. Preparation and Submission of the Budget.—At least sixty days before the end of each fiscal year, the City Manager shall prepare and submit to the council for its consideration an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the city government according to a classification as nearly uniform as possible. *The council may by ordinance require the City Manager to submit to the council for its consideration, instead of one general budget combining all departments of the city government, separate budgets as follows: (a) A budget for the general operation of the city government, including public schools and (b) a combined budget for the water, gas and electric departments.* The budget *or budgets, as the case may be,* shall present such other information as may be prescribed by ordinance. At least thirty days before the end of each fiscal year the City Manager, after collaboration with the council, shall have the budget *or budgets as the case may be,* completed and ready for introduction at a regular or special meeting of the council.

§ 2. Publication: Hearing. A brief synopsis of the budget *or budgets as the case may be* shall be published in a newspaper or newspapers having general circulation in the city, and notice given of a public hearing. After the conclusion of the public hearing the council may insert new items of expenditures or may increase, decrease or strike out items of expenditures in the budget *or budgets as the case may be,* except that no item of expenditure for debt service or required to be included by this Charter or other provision of law shall be reduced or stricken out.

§ 3. Annual Appropriation. Prior to the end of each fiscal year the council shall pass an appropriation ordinance which shall be based on the budget *or budgets as the case may be,* submitted by the City Manager; and shall levy such tax for the ensuing fiscal year as may be necessary to meet the appropriations made and all sums required by law to be raised for account of the city debt. The total amount of appropriations shall not exceed the estimated revenues of the city.

Nothing hereinabove contained shall be construed as rendering inoperative the provisions of Chapter 79, Acts of Assembly, Special Session of 1959.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 71

An Act to amend and reenact § 13.1-513 of the Code of Virginia, relating to when the State Corporation Commission may issue stop orders of registration of securities; and to amend the Code of Virginia by adding a section numbered 13.1-514.1, to exempt certain securities from registration requirements.

[S 51]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-513 of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding a section numbered 13.1-514.1, as follows:

§ 13.1-513. (a) The Commission may issue a stop order denying effectiveness to, or revoking the effectiveness of, any registration statement if it finds that such an order is in the public interest and that:

(1) The registration statement together with any amendments, or any report filed by the registrant or any other document filed in connection with the registration statement contained any statement which was, at the time and in the circumstances in which it was made, false or misleading with respect to any material fact or omitted to state any material fact required to be stated therein;

(2) The applicant or registrant or any agent, partner, officer or director of the applicant or registrant (or any person occupying a similar status or performing similar functions) or any person directly or indirectly controlling or controlled by the applicant or registrant has violated, in connection with the offering, any provision of this chapter or of any other law applicable to the offering, or any rule, order or condition lawfully imposed under this chapter;

(3) Any person specified in clause (2) has failed to furnish any information lawfully requested by the Commission;

(4) The right to sell the securities which are the subject of the registration statement has been denied or revoked or is suspended under any federal act applicable to the offering (and such denial, revocation or suspension is still in effect);

(5) The issuer is insolvent, either in the sense that its liabilities exceed its assets or in the sense that it cannot meet its obligations as they mature;

(6) The issuer's business includes or probably will include activities which are forbidden by law;

(7) The offering has worked or tended to work a fraud upon investors or probably will so operate; or

(8) Where a security is to be or has been registered by notification, it is not eligible for such registration.

(b) No stop order shall be entered without reasonable notice to the applicant or registrant.

(c) In any proceeding under this section, the Commission may refrain from issuing or, after issuing, may revoke a stop order on condition that the persons against whom it is directed correct the matters complained of on which it is based.

§ 13.1-514.1. The Commission may by order exempt from the other provisions of this chapter any security that the Commission finds

(1) is to be offered and sold as part of a community undertaking to attract new business or industry to the community,

(2) is sponsored by the local chamber of commerce, by a local industrial development corporation or by other groups of representative local businessmen, and

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(3) is to be sold mainly to persons interested in the development of the community by salesmen who receive no compensation for offering and selling the security.

CHAPTER 72

An Act to appropriate funds available under § 903 of the Social Security Act, as amended, for the acquisition of land, the erection of a building thereon and for required improvements, facilities, paving, landscaping and equipment in connection therewith; and to prescribe the conditions for obligation and expenditure thereof.

[S 125]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby appropriated out of funds made available to this State under § 903 of the Social Security Act, as amended, the sum of one million, five hundred thousand dollars, or so much thereof as may be necessary to be used, under the direction of the Unemployment Compensation Commission or the successor thereto by whatever name known, for the purpose of preparing site and building plans, acquiring land and erecting a building thereon for the use of such Commission or successor and for such improvements, facilities, paving, landscaping, and equipment as may be required for its proper use and for operation by such Commission or successor. The construction of building will be in accordance with the Manual for Planning and Execution of Capital Outlays, Commonwealth of Virginia.

§ 2. The money hereby appropriated shall be requisitioned by such Commission from the Unemployment Trust Fund maintained by the Secretary of the United States Department of the Treasury and deposited in the Unemployment Compensation Administration Fund in accordance with the provisions of §§ 60-92 and 60-94.1 of the Code of Virginia of 1950 but shall remain a part of the Unemployment Trust Fund until expended.

§ 3. No part of the money hereby appropriated may be obligated after the expiration of the 2-year period beginning with the date of enactment of this Act.

§ 4. The amount obligated pursuant to this Act during any 12-month period beginning on July 1 and ending on the next June 30 shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this State pursuant to § 903 of the Social Security Act during such 12-month period and the four preceding 12-month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State pursuant to such section during such five 12-month periods.

2. An emergency exists and this Act is in force from its passage.

CHAPTER 73

An Act to amend and reenact § 26-17 of the Code of Virginia, relating to annual settlement of fiduciaries' accounts.

[H 9]

Approved February 24, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 26-17 of the Code of Virginia be amended and reenacted as follows:

§ 26-17. A statement of all money and other property which any personal representative, guardian, curator, * committee, * *testamentary trustee, trustee under § 37-141 and receiver under § 55-44,* has received, or become chargeable with, or has disbursed, within one year from the date of the order conferring his authority, or from the date of the trust or within any succeeding year, together with the vouchers for the disbursements, and a statement of cash on hand or in bank and all investments held at the terminal date of the account, shall, within four months after the end of every such year, be exhibited by him before the commissioner of accounts of the court wherein the order conferring his authority was made, or of the court wherein the instrument creating the trust was first recorded; and the commissioner shall state, settle and report to the court an account of the transactions of such fiduciary, as provided by law. Every such fiduciary shall also, at the request of the commissioner to whom he is required to exhibit the foregoing statements, exhibit to the commissioner the securities held by him together with a statement of every bank in which cash is held at the terminal date of the account.

The commissioner shall enter in his record book, in a separate column, the date of each settlement of fiduciary accounts made by him.

CHAPTER 74

An Act to amend and reenact § 6-348 of the Code of Virginia, relating to loans by, and the rate of interest and other charges allowed to banks, brokers and certain other corporations and associations.

[H 14]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-348 of the Code of Virginia be amended and reenacted as follows:

§ 6-348. Any bank, or any broker duly licensed to transact business as a stockbroker or as a broker dealing in options and futures under the provisions of Title 58, may loan money or discount bonds, bills, notes or other paper at a rate not exceeding one-half of one per centum for thirty days, and may charge a minimum loan or discount fee of one dollar on loans or discounts, and may receive such interest in advance; provided, however, that any bank may charge in advance the legal rate of interest upon the entire amount of any loan, payable in weekly, monthly or other periodical installments, and any note evidencing such an installment loan may provide that the entire unpaid balance thereof, at the option of the holder, shall become due and payable upon default in payment of any stipulated installment, without impairing the negotiability of such note, if otherwise negotiable; *and provided, further, that any bank may charge a rate not exceeding one per centum per month on daily balances, or on maximum calendar or fiscal monthly balances, under a written contract for revolving credit on any plan which permits an obligor to avail himself of the credit so established, and may also charge as a service fee a sum not exceeding twenty-five cents for each check, draft or other order on the credit so established;* and provided, further, that agricultural credit corporations or associations organized under the laws of this State may charge interest or discount on loans made for agricultural purposes at a rate not exceeding

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one and one-half per centum per annum in excess of the rate charged such agricultural credit corporations or associations by federal intermediate credit banks, at the time such loans are made, or said agricultural credit corporations or associations may in their discretion charge the rate of interest prescribed by § 6-346 and in either case, such agricultural credit corporations or associations may charge a minimum loan or discount fee of one dollar on loans or discounts for thirty days or more and may receive such interest or discount in either case in advance.

2. An emergency exists and this act is in force from its passage.

CHAPTER 75

An Act to amend and reenact § 46.1-3 of the Code of Virginia, relating to the removal and disposition of unattended and abandoned vehicles in counties, cities or towns.

[H 46]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-3 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-3. The governing body of any county, city or town is authorized to provide by ordinance that whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area. Each removal shall be reported immediately to a central office to be designated in the ordinance, and notice thereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner, before obtaining possession of the motor vehicle, trailer or semitrailer, shall pay to the county, city or town all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should the owner fail or refuse to pay the costs or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made, and after notice to the owner at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles in Virginia against the motor vehicle, trailer or semitrailer, the officer designated by the governing body of the county, city or town may, after holding the motor vehicle, trailer or semitrailer ninety days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the treasurer or similar officer of the county, city or town. The treasurer or similar officer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership. *If no claim has been made by the owner for the proceeds of such sale, after the payment of the abovementioned cost, the funds may be deposited to the general fund or any special fund of such county, city or town. Any such owner shall be entitled to apply to the county, city or town within three years from the date of such sale and if timely application is made therefor, the said county, city or town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.*

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CHAPTER 76

An Act to amend and reenact § 20-79 of the Code of Virginia, relating to the effect of divorce proceedings upon the jurisdiction of certain courts as to alimony, support and custody.

[H 69]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20-79 of the Code of Virginia be amended and reenacted as follows:

§ 20-79. *(a)* In any case where an order has been entered under the provisions of this chapter, directing a husband to pay any sum or sums of money for the support of his wife, or concerning the care, custody or maintenance of any child, or children, the jurisdiction of the court which entered such order shall cease and its orders become inoperative upon the entry of a decree by the court or the judge thereof in vacation in a suit for divorce instituted in any court of record having jurisdiction thereof, in which decree provision is made for alimony or support money for the wife or concerning the care, custody or maintenance of a child or children, or concerning any matter provided in a decree in the divorce proceedings in accordance with the provisions of § 20-103.

(b) In any suit for divorce the court in which same is instituted or pending, when either party to the proceedings so requests, shall provide in its decree for the maintenance, support, care or custody of the child or children, alimony if the same be sought, and counsel fees and other costs, if in the judgment of the court any or all of the foregoing should be so decreed.

(c) Provided, that in any suit for divorce should the husband or father, as the case may be, be out of or leave the State and fail to support his wife, *child* or children or fail to comply with any order or decree of such court of record for the support of his wife, *child* or children, such court may, *upon the motion of counsel for such wife, child or children,* thereupon abate and dismiss such suit insofar as the same may pertain to or provide for the payment of alimony, maintenance or support for wife, *child* or children with right of such wife, *child* or children to proceed against such husband or father, as the case may be, in the criminal courts of this State, including * *municipal* courts, * *county* courts and juvenile and domestic relations courts of the Commonwealth as fully and to the same extent as if the divorce suit had never been instituted.

CHAPTER 77

An Act to amend and reenact § 19-186, as amended, of the Code of Virginia, relating to exclusion from jury of persons living within two miles of place felony committed, and exceptions thereto.

[H 70]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 19-186, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 19-186. No person residing within two miles of the place where the crime is alleged to have been committed shall be allowed to serve as a

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juror in any felony case in the circuit court of any county; provided, however, that the impanelling of such a juror shall not be cause for summoning a new panel, or for setting aside a verdict or granting a new trial, unless objection thereto specifically pointed out is made before the jury is sworn; and provided further, however, that such a juror may be impanelled and serve in any county having a population in excess of ninety-five thousand or in any county containing a town, the population of which is more than half the entire population of the county, *or in any county in which a military reservation is located in whole or in part.*

CHAPTER 78

An Act to amend the Code of Virginia by adding a section numbered 8-135.1, to remove the defense of infancy as to certain debts.

[H 71]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 8-135.1 as follows:

§ 8-135.1. If any minor sixteen years of age or over shall procure a loan upon the representation in writing that the proceeds thereof are to be expended by such minor to defray any or all expenses incurred by reason of attendance at an institution of higher education, which has been approved by Southern Association of Colleges and Secondary Schools, or Western College Association, or The Northwest Association of Secondary and Higher Schools, or Middle States Association of Colleges and Secondary Schools, or New England Association of Colleges and Secondary Schools, or North Central Association of Colleges and Secondary Schools, such minor shall be liable for the repayment thereof as though he were an adult, and no plea of infancy shall be allowed.

CHAPTER 79

An Act to repeal § 46.1-158 of the Code of Virginia, relating to weights and name and address of owner appearing on certain vehicles, and to amend the Code of Virginia by adding a new section numbered 46.1-158.1, providing for the name and address of the owner of certain vehicles to appear thereon; and to amend and reenact § 46.1-64 of the Code of Virginia, relating to certain prohibited acts in relation to motor vehicles.

[H 136]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-158 of the Code of Virginia is repealed.

2. That the Code of Virginia be amended by adding a section numbered 46.1-158.1 and that § 46.1-64 of the Code of Virginia be amended and reenacted, the added and amended sections being as follows:

§ 46.1-64. No person shall:

(a) Operate or permit a motor vehicle, trailer or semitrailer, controlled by him to be operated upon a highway which is not registered or for which a certificate of title has not been issued or which does not have

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attached thereto and displayed thereon the license plate or plates assigned thereto by the Division for the current registration year, subject to the exemptions mentioned in §§ 46.1-45, 46.1-81 and 46.1-113 through 46.1-139.

(b) Display, cause or permit to be displayed or to have in possession any registration card, certificate of title or registration license plate, knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered.

(c) Lend or knowingly to permit the use, by one not entitled thereto, of any registration card or license plate.

(d) Fail or refuse to surrender to the Division or the Department of State Police, upon demand, any certificate of title or registration card or registration license plate, which has been suspended, cancelled or revoked as in this title provided.

(e) Use a false or fictitious name or address in any application for the registration of any motor vehicle, trailer or semitrailer or for a certificate of title or for any renewal or duplicate thereof, or knowingly to make a false statement of a material fact or to conceal a material fact or otherwise commit a fraud in any such application.

(f) Operate or cause to be operated or to permit the operation of a "for hire" vehicle, *except those falling within the gross weight group of ten thousand pounds and less as shown by § 46.1-154,* over or on the highways of this State unless the name and address of the owner of such vehicle plainly appears on both sides of such vehicle in letters not less than three inches in height, provided that the provisions contained in this paragraph shall not apply to any motor vehicle the use of which is restricted to wedding, ambulance or funeral services, nor to any motor vehicle rented without chauffeur and operated under a valid lease agreement which provides that the lessee of such vehicle shall have exclusive control thereof, but this exemption shall not include motor vehicles leased to common or contract carriers of persons or property which operate or should operate under certificates or permits issued by the State Corporation Commission or the Interstate Commerce Commission.

§ 46.1-158.1. The owner of every vehicle, except in the case of private carriers, registered under §§ 46.1-154 and 46.1-157 except those falling within the gross weight group of ten thousand pounds and less as shown in § 46.1-154 shall cause to be painted, or otherwise plainly and legibly shown, on each side of such vehicle, in letters not less than three inches in height, the name and address of the owner of such vehicle.

CHAPTER 80

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 13.1 an article numbered 13 containing sections numbered 13.1-140 through 13.1-156, defining industrial development corporations; providing the mode of their incorporation; defining their purposes, powers and duties; and providing for the regulation, control and management of their business and affairs.

[H 213]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Chapter 1 of Title 13.1 an article numbered 13 containing sections numbered 13.1-140 through 13.1-156 as follows:

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ARTICLE 13

§ 13.1-140. This article shall be known and may be cited as the "Virginia Industrial Development Corporation Act".

§ 13.1-141. As used in this article, unless a different meaning is required by the context, the following words and phrases shall have the following meanings:

(a) "Corporation": A Virginia industrial development corporation created under the provisions of this article.

(b) "Financial Institution": Any bank, trust company, savings and loan association, industrial loan association or insurance company.

(c) "Member": Any financial institution which shall undertake to lend money to a corporation created under this article, upon its call and in accordance with the provisions of this article.

(d) "Board of Directors": The Board of Directors of a corporation created under this article.

(e) "Loan Limit": For any member, the maximum amount permitted to be outstanding at one time on loans made by such member to a corporation as determined under the provisions of this article.

(f) "Commission": The State Corporation Commission of Virginia.

§ 13.1-142. An industrial development corporation may be incorporated in this State pursuant to the provisions of Article 3 of this chapter, and all the provisions of this chapter not in conflict with or inconsistent with the provisions of this article shall apply to such corporation except as hereinafter otherwise provided. The purpose clause of the articles of incorporation shall recite that the purposes for which the corporation is formed are to stimulate and promote the business prosperity and economic welfare of this State and its citizens; to encourage and assist through financial aid, advice, technical assistance and other appropriate means the location of new businesses and industries and the rehabilitation, improvement and expansion of existing businesses and industries throughout the State; and in furtherance of such purposes, to cooperate with the Virginia Department of Conservation and Economic Development and with other organizations, public and private.

§ 13.1-143. Every corporation created under this act shall have as part of its corporate name or title the words "Industrial Development".

§ 13.1-144. The articles of incorporation shall not be issued by the Commission unless approved by the Governor in writing. Such approval shall not be given by the Governor until he first shall have sought the advice of the Board of Conservation and Economic Development.

§ 13.1-145. The powers of a corporation shall be subject to the following restrictions:

(a) It shall not approve any application for a loan until the applicant shall have shown that he has applied to a financial institution that could lawfully lend the amount of money sought and that the said financial institution has refused in writing to make the requested loan.

(b) It shall not incur any secondary liability for the debts of others, but may assume primary liability therefor.

(c) It shall not give security for any loan made to it unless all loans to it are secured ratably in proportion to unpaid balances due.

§ 13.1-146. Notwithstanding any other provision of law, any person, corporation (including a public service corporation), financial institution or railroad may acquire, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, notes, debentures, securities or other evidences of indebtedness, or the shares of capital stock of a corporation created hereunder, provided, however, that the amount of capital stock which may be acquired by any member of such corporation shall not exceed ten per cent of the loan limit of such member.

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§ 13.1-147. Any financial institution is authorized to become a member of a corporation by making application to the board of directors on such form and in such manner as the board of directors may require and membership shall become effective upon acceptance of such application by said board. Membership shall be for the duration of the corporation, provided, however, that upon written notice given to the corporation two years in advance, a member may withdraw from membership at the expiration date of such notice and shall not thereafter be obligated to make any loans to the corporation.

Each such member shall make loans to the corporation as and when called upon by it to do so, upon such terms and conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(a) All loans shall be evidenced by negotiable instruments of the corporation and shall bear interest at a rate of not less than one-half of one per cent in excess of the rate of interest determined by the board of directors to be the prime rate on unsecured commercial loans as of the date of the loan.

(b) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section.

(c) No loan to a development corporation shall be made if immediately thereafter the total amount of the obligations of the said corporation would exceed ten times the amount then paid in on its outstanding capital stock.

(d) The total amount outstanding at any one time on loans to a development corporation made by any member shall not exceed the following limit, to be determined as of the time such member becomes a member, on the basis of figures contained in the most recent year-end statement furnished by such member to State or federal supervisory authorities, as the case may be: Two per cent of the capital and permanent surplus of banks and trust companies; one per cent of the total outstanding loans made by a savings and loan association, or an industrial loan company; one per cent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; one per cent of the unassigned surplus of mutual insurance companies, except fire insurance companies; one-tenth of one per cent of the assets of fire insurance companies.

All loan limits shall be recomputed as of the first day of January of each even-numbered year, but no member's loan limit shall be increased as the result of such recomputation without the consent of such member.

(e) Each call for loans made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The "adjusted loan limit" of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment of such member in capital stock of the corporation at the time of such call.

(f) A member of a corporation created under this article shall not be a member of more than one such corporation.

§ 13.1-148. Each share of stock of a corporation shall have a par value of one hundred dollars, and shall be issued for cash. No preferred stock shall be issued.

Each stockholder shall be entitled to one vote, in person or by proxy, for each share of capital stock held, and each member shall be entitled to one vote, in person or by proxy, for each one thousand dollars of the authorized loan limit of such member as determined under § 13.1-147.

The rights given by this chapter to stockholders to attend meetings and to receive notice thereof and to exercise voting rights shall apply to

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members as well as to stockholders of a corporation created hereunder. The voting rights of the members shall be the same as if they were a separate class of stockholders and stockholders and members shall in all cases vote separately by classes. A quorum at a meeting shall require the presence in person or by proxy of a majority of the holders of the voting rights of each class.

§ 13.1-149. The business and affairs of a corporation shall be conducted by a board of directors. The number of directors shall be a multiple of three. Two-thirds of the directors shall be elected by the members and one-third shall be elected by the stockholders. Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members and any vacancy in the office of director elected by the stockholders shall be filled by the directors elected by the stockholders.

§ 13.1-150. No amendment to the articles of incorporation shall be made which increases the obligation of a member to make loans to the corporation or which makes any change in the principal amount, interest rate, maturity date, or in the security or credit position of any outstanding loan made by a member to the corporation or which affects the right of a member to withdraw from membership or the voting rights of such member, without the consent of each member who would be affected by such amendment.

§ 13.1-151. Each year the corporation shall set apart as earned surplus not less than ten per cent of its net earnings for the preceding fiscal year until such surplus shall be equal in value to one-half of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus so established shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation.

§ 13.1-152. The rights given to stockholders under the provisions of §§ 13.1-5, 13.1-24, 13.1-80, 13.1-85 and 13.1-125 of this chapter shall apply to members as well as to stockholders of a corporation created hereunder.

§ 13.1-153. No corporation organized under the provisions of this article shall at any time be authorized to receive money on deposit. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated.

§ 13.1-154. A corporation shall keep, in addition to the books and records required by § 13.1-47, a record showing the names and addresses of all members of the corporation and the current status of loans made by each to the corporation. Members shall have the same rights with respect to such books and records as are given to stockholders by § 13.1-47.

§ 13.1-155. Under no circumstances is the credit of the State pledged herein.

§ 13.1-156. The provisions of this article are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions hereof.

CHAPTER 81

An Act to amend the Code of Virginia by adding a section numbered

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43-4.1, providing for the recordation of certain documents in the general index of deeds.

[H 214]

Approved February 24, 1960

1. That the Code of Virginia be amended by adding a section numbered 43-4.1, as follows:

§ 43-4.1. Notwithstanding the provisions of § 43-4, or any other section of this title, or any other provision of law requiring documents to be recorded in the miscellaneous lien book in the clerk's office of any court, on and after July one, nineteen hundred sixty all memoranda or notices of liens or other documents theretofore required to be recorded in such miscellaneous lien books shall be recorded in the deed books in such clerk's office, in lieu of the miscellaneous lien book and shall be indexed in the general index of deeds, and such general index shall show the type of such lien.

CHAPTER 82

An Act to amend and reenact § 17-46 of the Code of Virginia, relating to storage of certain records.

[H 228]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 17-46 of the Code of Virginia be amended and reenacted as follows:

§ 17-46. The judge of any court in whose clerk's office any contract of sale, or sale, under the provisions of §§ 55-88 to 55-90 has been admitted to record may, when such contract of sale or sale has been on record for at least fifteen years in such clerk's office, or when delinquent capitation tax books or any personal property tax books have been stored in such clerk's office and are shown to be no longer needed for any purpose, authorize and require such clerk, by an order of record, to store at some suitable place other than such clerk's office all such contracts of sale, sales and books containing the same and likewise to store any such delinquent capitation tax books or any such personal property tax books.

After a period of fifteen years all inventories, appraisements, lists of sales and settlements of accounts of executors, administrators, curators, trustees and other fiduciaries which have been recorded as provided by § 17-63 and all bonds recorded in bond books as required by § 17-62, and after five years all crop liens and crop lien books where same are recorded, which are shown to be no longer needed for any purpose, the court may likewise by order entered of record authorize and require the clerk, to store the same at some suitable place other than in such clerk's office.

Upon the entry of such order the clerk shall thereupon store *such papers and books as hereinabove set out and mentioned* in such manner as the court in the order may direct. *

2. An emergency exists and this act is in force from its passage.

CHAPTER 83

An Act to amend and reenact § 15-555.2 of the Code of Virginia, relating to fingerprinting.

[H 247]

Approved February 24, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 15-555.2 of the Code of Virginia be amended and reenacted as follows:

§ 15-555.2. The judge of a county court *or municipal court* may, in his discretion, on motion of the attorney for the Commonwealth, require the duly constituted police officers of the county, *city or town within the territorial jurisdiction of such court* to take the fingerprints of any person who has been arrested and charged with a misdemeanor other than a misdemeanor which is a violation of any provision of Title * *46.1* of the Code.

CHAPTER 84

An Act to amend and reenact § 2-175 of the Code of Virginia, relating to annual reports of the Comptroller.

[H 256]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2-175 of the Code of Virginia be amended and reenacted as follows:

§ 2-175. The Comptroller shall make an annual report to the Governor on or before the * *fifteenth* day of August, and shall make such other reports at such times as the Governor may require.

CHAPTER 85

An Act to repeal §§ 8-780 through 8-788 of the Code of Virginia, relating to appointment of agents to collect debts due the State, and sale of lands purchased for the State.

[H 260]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 8-780 through 8-788 of the Code of Virginia are repealed.

CHAPTER 86

An Act to amend the Code of Virginia by adding thereto a section numbered 54-446.1, relating to burden of proof as to certain provisions under the "Dangerous Drug Law" in Article 5 of Chapter 15 of Title 54 of the Code of Virginia.

[H 342]

Approved February 24, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 54-446.1 as follows:

§ 54-446.1. In any complaint, warrant or information, and in any action or proceeding brought for the enforcement of any provision of this article, it shall not be necessary to negative any exception, excuse,

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proviso, or exemption, contained in this article, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

CHAPTER 87

An Act to amend and reenact § 15-239, as amended, of the Code of Virginia, relating to the salaries of clerks in certain counties.

[S 47]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-239, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-239. The clerks of the boards of the counties of Pulaski, Russell, * *Caroline, Essex, King George, King and Queen and Southampton* may, in the discretion of the boards, receive a salary not exceeding nine hundred dollars a year. *The clerk of the board of the county of Wise may, in the discretion of the board, receive a salary not less than nine hundred dollars and not more than twelve hundred dollars.* The clerks of the boards of the counties of * Amherst, Bath, Hanover, King William, * Dinwiddie, Lee, Buchanan, * Surry, Gloucester, Mathews, Middlesex, Orange, Madison, Southampton, Brunswick, Greensville, * York, Charles City, Greene, James City and New Kent may, in the discretion of the boards, receive a salary not to exceed the sum of three hundred dollars a year. The clerk of the boards of the counties of Page, * Warren * *and Highland* may, in the discretion of the boards, receive a salary not to exceed five hundred dollars a year. The clerks of the boards of the counties of *Accomack,* Culpeper, Carroll, Dickenson, Nottoway, *Montgomery, Prince George, Sussex,* Grayson, * *Amelia and Scott* may, in the discretion of the boards, receive a salary not to exceed six hundred dollars a year. The clerk of the board of Rockingham county may, in the discretion of the board, receive a salary not in excess of eighteen hundred dollars a year. The clerk of the board of Alleghany county may, in the discretion of the board, receive a salary not in excess of seven hundred dollars a year. *The clerks of the boards of the counties of Patrick, Henry and Giles may, in the discretion of the boards, receive a salary not in excess of twelve hundred dollars a year.* The clerk of the board of the county of Henrico shall receive a salary in an amount determined by the board, and such salary shall be in lieu of and in satisfaction of any compensation allowable under § 33-160.

2. An emergency exists and this act is in force from its passage.

CHAPTER 88

An Act to repeal § 53-97 of the Code of Virginia, relating to allowance for work by misdemeanants employed at State operated farm or farms including the State industrial farm for women.

[S 59]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. § 53-97 of the Code of Virginia is repealed.

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CHAPTER 89

An Act to amend and reenact §§ 65-38 and 65-39 as amended, of the Code of Virginia, and to further amend the Code by adding thereto, a section numbered 65-39.1 relating, respectively, to subrogation of employer to employee's right, protection of employer when employee sues third party and providing for apportioned sharing of the expenses and attorneys' fees in either such case.

[S 61]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 65-38 and 65-39, as amended, of the Code of Virginia, be amended and reenacted and that the Code be amended by adding thereto a section numbered 65-39.1, as follows:

§ 65-38. The making of a lawful claim against an employer for compensation under this Act for the injury or death of his employee shall operate as an assignment to the employer of any right to recover damages which the injured employee or his personal representative or other person may have against any other party for such injury or death, and such employer shall be subrogated to any such right and may enforce, in his own name or in the name of the injured employee or his personal representative, the legal liability of such other party. The amount of compensation paid by the employer or the amount of compensation to which the injured employee or his dependents are entitled shall not be admissible as evidence in any action brought to recover damages. Any amount collected by the employer under the provisions of this section in excess of the amount paid by the employer or for which he is liable shall be held by the employer for the benefit of the injured employee or other person entitled thereto, less a *proportionate share of* such amounts as are paid by the employer for reasonable expenses and attorney's fees *as provided in § 65-39.1.* No compromise settlement shall be made by the employer in the exercise of such right of subrogation without the approval of the Industrial Commission and the injured employee or the personal representative or dependents of the deceased employee being first had and obtained.

§ 65-39. In any such action by such employee, his personal representative or other person against any person other than the employer, the court shall, on petition or motion of the employer at any time prior to verdict, ascertain the amount of compensation paid and expenses for medical, surgical and hospital attention and supplies, and funeral expenses, incurred by the employer under the provisions of this Act, *and deduct therefrom a proportionate share of such amounts as are paid by the plaintiff for reasonable expenses and attorney's fees as provided in § 65-39.1;* and in event of judgment against such person other than the employer the court shall in its order require that the judgment debtor pay such compensation and expenses of the employer, *less said share of expenses and attorney's fees,* so ascertained by the court out of the amount of the judgment, so far as sufficient, and the balance, if any, to the judgment creditor.

§ 65-39.1. In any such action, or claim for damages, by such employee, his personal representative or other person against any person other than the employer, and in any such action brought, or claim asserted, by the employer under his right of subrogation provided for in § 65-38, if a recovery is effected, either by judgment or voluntary settlement, the reasonable expenses and reasonable attorneys' fees of such claimants shall be apportioned pro rata between the employer and the employee, his per-

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sonal representative or other person, as their respective interests may appear.

CHAPTER 90

An Act to amend and reenact § 54-58, as amended, of the Code of Virginia, relating to compensation and reimbursement of members of State Board of Bar Examiners and compensation of secretary and treasurer of the Board.

[S 69]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-58, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 54-58. The members of the Board shall each receive as compensation * *twenty-five* dollars per day for the time spent in the discharge of their duties as members, and shall be entitled to reimbursement for such of their actual expenses as are necessary and ordinarily incident to travel as members of the Board to be computed in accordance with article 1 (§ 14-1 et seq.) of chapter 1 of Title 14. The compensation of the secretary and treasurer shall be fixed by the Board, subject to the provisions of chapter 9 (§ 2-78 et seq.) of Title 2. The per diem and mileage of the members of the Board, the compensation of the secretary and treasurer, and the necessary expenses incurred in conducting the examinations, shall be paid by the secretary and treasurer out of the fund derived from fees paid by applicants. The compensation for services and expenses herein provided for shall not exceed the amount received as fees from applicants, which shall be fixed by the rules and regulations adopted by the Board, as hereinafter provided, relative to the examinations to be held by the Board.

CHAPTER 91

An Act to appropriate funds out of the Special Unemployment Compensation Administration Fund continued by § 60-102 of the Code of Virginia for the purchase of land, erection of a building thereon and for required improvements, facilities, paving, landscaping and equipment in connection therewith; and to prescribe conditions for expenditure thereof.

[S 126]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. There is hereby appropriated out of the Special Unemployment Compensation Administration Fund continued by § 60-102 of the Code of Virginia of 1950 the sum of four hundred thousand dollars to be used under the direction of the Unemployment Compensation Commission or the successor thereto by whatever name known for the purpose of preparing site and building plans, acquiring land and erecting a building thereon for the use of such Commission or successor thereto and for such improvements, facilities, paving, landscaping and equipment as may be required for its proper use and operation by such Commission or successor

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thereto. The construction of building will be in accordance with the Manual for Planning and Execution of Capital Outlays, Commonwealth of Virginia.

2. An emergency exists and this Act is in force from its passage.

CHAPTER 92

An Act to amend and reenact §§ 15-666.48 and 15-666.52 of the Code of Virginia, relating to temporary investment of proceeds of bond issues and to the deposit of or investment of certain funds.

[S 131]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 15-666.48 and 15-666.52 of the Code of Virginia be amended and reenacted as follows:

§ 15-666.48. Pending the application of the proceeds of any bonds authorized under the provisions of this chapter to the purpose or purposes for which such bonds have been authorized, all or any part of such proceeds may be invested, upon resolution of the governing body of the unit authorizing such bonds, in securities that are legal investments under the laws of the Commonwealth for public sinking funds, which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than twenty-four months after the date of such investment. Any security so purchased as investment of the proceeds of such bonds shall be deemed at all times to be a part of such proceeds, and the interest accruing thereon and any profit realized from such investment shall be credited to such proceeds. Any security so purchased shall be held by the treasurer or chief financial officer of the unit *as custodian thereof or by the trust department of a bank or trust company, designated by the governing body of the county and authorized to conduct a trust business in this State, as custodian thereof in safe keeping for the account of the treasurer,* and shall be sold by * *such treasurer or financial officer* upon resolution of the governing body of the unit directing such sale, at the best price obtainable, or presented for redemption, whenever it shall be necessary, as determined by such resolution, so to do in order to provide moneys to meet the purposes for which the bonds of the unit shall have been authorized.

§ 15-666.52. All proceeds received from the sale of bonds of any unit issued under the provisions of this chapter and all moneys collected for the payment of bonds issued under the provisions of this chapter, whether from the proceeds of taxes levied for such purpose or from revenues or special assessments pledged for such purpose, *shall be deposited in escrow with some solvent bank or trust company in this Commonwealth which shall be acceptable to the governing body or* shall be deposited in a solvent bank or banks in conformity with their charters in the case of municipalities and general law in the case of counties, and shall be secured either by a surety bond or bonds given the governing body for the protection of the deposit written by some solvent surety or fidelity company authorized to do business in the Commonwealth, or by the deposit as collateral security of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States Government, or other marketable securities eligible as security for the deposit of trust funds under regulations of the Board of Governors of the Federal Reserve System, having a market value (exclusive of accrued

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interest) not less than the amount of such deposit. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as a depository of such moneys to furnish such surety bonds or to pledge such securities as may be required by the governing body. In lieu of retaining such moneys on deposit, the governing body may invest all or part of such moneys in securities that are legal investments under the laws of the Commonwealth for public sinking funds, which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than twenty-four months after the date of such investment.

CHAPTER 93

An Act to amend the Code of Virginia by adding thereto section numbered 58-943.3, and to amend and reenact § 58-945 of the Code of Virginia; the new section authorizing the governing bodies of counties to provide that certain county-owned securities may be held by custodians, providing who may be such custodians, and prescribing certain conditions for the sale and purchase of securities by such custodians; and the amended section relating to the deposit of securities pledged by depositories and custodians of counties.

[S 132]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto section numbered 58-943.3, and that § 58-945 of the Code of Virginia be amended and reenacted, as follows:

§ 58-943.3. Notwithstanding any other provision of law to the contrary, the governing body of any county may by resolution provide that any or all securities owned by the several funds of such county may be held either by the treasurer of such county as custodian thereof or by the trust department of a bank or trust company designated by the governing body and authorized to conduct a trust business in this State, as custodian thereof in safe keeping for the account of the treasurer.

Every such custodian is authorized, when so directed by the governing body of the county, to sell any securities so held and, with the proceeds therefrom, or with other funds of the county coming into his or its hands pursuant to the provisions of this section, to purchase other securities; provided, however, that the terms of every such purchase and sale shall be as directed by the governing body of the county.

This section shall not be construed to relieve any such governing body from any requirement of law relating to the deposit and investment of county funds, except as herein provided.

All of the requirements and provisions of this article relating to the bonding of depositories and security to be given upon such bond shall apply mutatis mutandis to each bank and trust company which is a custodian under the provisions of this section.

§ 58-945. All securities pledged by any depository *or custodian* to protect money *or securities* deposited with it under the provisions of this article shall be deposited in escrow with some bank or trust company in this Commonwealth, other than the depository *or custodian,* which shall be acceptable to and approved by the depository *or custodian* and the county finance board and shall be accompanied by powers of attorney authorizing such bank or trust company, in event of any default by the depository

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or custodian, to deliver the securities to the county finance board and empowering such board to sell, transfer and deliver all or any part of such securities in such manner as it may elect for the satisfaction of any claim that may arise from such default.

CHAPTER 94

An Act to amend and reenact § 19-171 of the Code of Virginia, relating to summoning of petit jury in criminal cases.

[S 203]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 19-171 of the Code of Virginia be amended and reenacted as follows:

§ 19-171. The writ of venire facias in case of felony shall command the officer to whom it is directed to summon twenty persons of his county or corporation, to be taken from a list furnished him by the clerk issuing the writ, who are qualified in all respects to serve as jurors, to attend the court wherein the accused is to be tried on the first day of the next term thereof or at such other time as the court or judge may direct; *provided, however, the court shall not charge the grand jury in the presence of any person so summoned who shall be selected as a juror to try any person indicted by said grand jury. A violation of this provision shall constitute reversible error in any criminal case which is tried by a jury composed of one or more such veniremen.*

CHAPTER 95

An Act to amend and reenact § 58-792.1, as amended, of the Code of Virginia, relating to extension of time in certain counties for completion of reassessment.

[S 228]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-792.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-792.1. Notwithstanding the provisions of § 58-792, the judge of the circuit court of any county having a population in excess of two thousand inhabitants per square mile according to the last United States census or of any county having a population of not less than sixty-six hundred fifty and not more than sixty-seven hundred twenty-five *or of any county having a population of not less than nineteen thousand and not more than twenty thousand or of any county having a population of more than twenty-eight thousand and not more than twenty-nine thousand* or of any county having a population of not less than forty-one thousand four hundred fifty and not more than forty-two thousand may, for good cause shown, extend the time for completing the reassessment and complying with the provisions of such section for a period of not exceeding four months from the thirty-first day of December of the year of such reassessment.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 96

An Act to affirm and ratify the conveyance of certain lands owned by the Medical College of Virginia, a Virginia corporation, to the Commonwealth of Virginia, State Hospital Board.

[S 275]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the General Assembly of Virginia hereby affirms and ratifies the act of the Medical College of Virginia, a Virginia corporation, in conveying to the Commonwealth of Virginia, State Hospital Board, by deed dated March 4, 1959, certain lands situated in the city of Richmond for the purposes of the Institute for Emotionally Retarded Children.

2. An emergency exists and this act is in force from its passage.

CHAPTER 97

An Act to amend and reenact § 18-225 of the Code of Virgina, to prohibit any person from going upon or remaining upon the lands, buildings or premises of another, or certain parts, portions or areas thereof, after having been forbidden to do so, and to prescribe penalties for violations.

[S 339]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 18-225 of the Code of Virginia be amended and reenacted as follows:

§ 18-225.—If any person shall without authority of law go upon or remain upon the lands, *buildings* or premises of another, *or any part, portion or area thereof,* after having been forbidden to do so, *either orally or in writing,* by the owner, lessee, custodian or other person lawfully in charge * *thereof,* or after having been forbidden to do so by a sign or signs posted on * *such lands, buildings, premises or part, portion or area thereof* at a place or places where *it or* they may be reasonably seen, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one * *thousand* dollars or by confinement in jail not exceeding * *twelve months,* or by both such fine and imprisonment.

This section shall not be construed to affect in any way the provisions of §§ 29-165 to 29-170.

2. An emergency exists and this act is in force from its passage.

CHAPTER 98

An Act to amend the Code of Virginia by adding thereto a new section numbered 18-225.2, to prohibit any person from (1) soliciting or encouraging another or others to trespass upon certain property or (2) interfering with the rendition of service on certain property, and to prescribe penalties for violations.

[S 340]

Approved February 25, 1960

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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a new section numbered 18-225.2 as follows:

§ 18-225.2.—If any person shall solicit, urge, encourage, exhort, instigate or procure another or others to go upon or remain upon the lands, buildings, or premises of another, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person or persons to have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen; or if any person shall, on such lands, buildings, premises or part, portion or area thereof prevent or seek to prevent the owner, lessee, custodian, person in charge or any of his employees from rendering service to any person or persons not so forbidden, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by confinement in jail not exceeding twelve months, or by both such fine and imprisonment.

2. An emergency exists and this act is in force from its passage.

CHAPTER 99

An Act to amend the Code of Virginia by adding thereto a new section numbered 18-7.1, to prohibit a person from conspiring, confederating or combining with another or others to trespass upon certain property and to provide penalties for violations.

[S 341]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a new section numbered 18-7.1 as follows:

§ 18-7.1.—If any person shall conspire, confederate or combine with another or others in this State to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by confinement in jail not exceeding twelve months, or by both such fine and imprisonment.

Jurisdiction for the trial of any such person shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

2. An emergency exists and this Act is in force from its passage.

CHAPTER 100

An Act to amend and reenact §§ 62-106.7 and 62-106.8, as amended, of

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the Code of Virginia, relating to powers of the Virginia State Ports Authority.

[H 120]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 62-106.7 and 62-106.8, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 62-106.7. Through the Board, the State of Virginia may engage in promoting, developing, constructing, equipping, maintaining, and operating the harbors or seaports within the State, or its jurisdiction, by means of acquiring or constructing, maintaining and operating at such seaports or harbors water craft and terminal facilities necessary or useful in connection therewith. The Authority is charged with the accomplishment of the following general purposes, all or any of them, which are intended to broaden, and not to restrict, any other powers given to it in this chapter, namely:

(a) To develop and improve the harbors or seaports of this State for the handling of water-borne commerce from and to any part of the State of Virginia and other states and foreign countries;

(b) To acquire, construct, equip, maintain, develop and improve such harbors or seaports and their port facilities and to issue revenue bonds for these purposes;

(c) To foster and stimulate the shipment of cargoes and commerce through such ports, whether originating within or without the State of Virginia, including the investigation and handling of matters pertaining to all transportation rates and rate structures affecting the same;

(d) To compile and disseminate in a single publication, so far as practicable, all port charges, rules and practices in effect at the several ports in this State;

(e) To cooperate with the United States of America, and any agency, department, corporation or instrumentality thereof, in the maintenance, development, improvement and use of such harbors and seaports;

(f) To accept funds and property from persons, counties, cities and towns, and to use the same in such manner, within the purposes of the Authority, as shall be stipulated by the grantor, and to act as agent or instrumentality for any of such persons, counties, cities or towns in any matter coming within the general purposes of such Authority; counties, cities and towns are hereby authorized to make grants to the Authority for its purposes and to appoint it as agent;

(g) To act as agent for the United States of America, or any agency, department, corporation or instrumentality thereof, in any matter coming within the purposes or powers of the Authority;

(g1) To issue revenue bonds for the acquisition, construction, reconstruction or control of harbors, seaports and their port facilities;

(h) And in general to do and perform any act or function which may tend to or be useful toward the development and improvement of the harbors and seaports of this State, and to the increase of commerce, foreign and domestic, through its harbors and seaports;

(i) But the Authority shall not be authorized or empowered to expend funds appropriated by the General Assembly on, nor to incur any indebtedness on account of, improvement, repair, maintenance, or addition to real or personal property belonging to anyone other than the Authority or the Commonwealth of Virginia, *or a political subdivision of the Commonwealth of Virginia,* unless the use of such property is guaranteed to the Authority, or the Commonwealth of Virginia by a lease, extending beyond the useful life of the improvement, repair, maintenance or addition or of any new facility erected thereon.

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§ 62-106.8. In order to enable it to carry out the purposes of this chapter, the Authority, but without pledging the faith and credit of the Commonwealth of Virginia:

(a) Is vested with the powers of a body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same as may be deemed expedient;

(b) Is authorized and empowered to rent, lease, buy, own, acquire * and dispose of such property, real or personal, as the Authority deems proper to carry out the purposes and provisions of this chapter, all or any of them and to issue revenue bonds for buying or acquiring such property; *and to lease to another such part or all of its property, real or personal, for such period or periods of years, upon such terms and conditions, with or without an option on the part of the lessee to purchase any or all of the leased property at such price, at or after the retirement of all indebtedness incurred by the Authority on account thereof, as the Authority shall determine.*

(c) Is authorized and empowered to acquire, construct, maintain, equip and operate any wharves, docks, ships, piers, quays, elevators, compressors, refrigeration storage plants, warehouses and other structures, and any and all facilities needful for the convenient use of the same in the aid of commerce, including the dredging of approaches thereto, and the construction of shipping facilities, and transportation facilities incident thereto and useful or convenient for the use thereof and to issue revenue bonds for these purposes;

(d) May appoint and employ and dismiss at pleasure such employees as it may select. The Authority may retain legal counsel, subject to the approval of the Attorney General, to represent the Authority in rate cases and all other hearings, controversies, or matters involving the interests of the Authority and the furtherance of its duties;

(e) Is authorized to establish and maintain a traffic bureau or other office to investigate and seek improvement in rates, rate structure, practices and charges affecting the Virginia ports so as to increase the commerce of such ports;

(f) Is authorized and empowered to apply for and accept grants or loans of money or other property from any federal agency for any and all of the purposes authorized in this chapter, and to expend or use the same in accordance with the directions and requirements attached thereto or imposed thereon by any such federal agency;

(f1) Is authorized and empowered to issue periodicals and to carry and charge for advertising therein;

(f2) Is authorized to establish and maintain branch offices within and without the State and the United States;

(f3) Is authorized to employ, fix and pay compensation of employees within and without the State and the United States without regard to whether such employees are citizens of the United States;

(f4) Is authorized to issue revenue bonds for the acquisition, construction, reconstruction or control of harbors, seaports and facilities used in connection therewith;

(g) Is vested with power to adopt, alter or repeal its own by-laws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, and may provide for the appointment of such committees, and the functions thereof, as the Authority may deem necessary or expedient in facilitating its business; and

(h) Is authorized and empowered to do any and all other acts and things in this chapter authorized or required to be done, whether or not included in the general powers in this section mentioned.

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CHAPTER 101

An Act to amend and reenact § 4-85, as amended, of the Code of Virginia, relating to importation of alcoholic beverages under customs bonds, holding the same in warehouses, and release of such beverages.

[H 155]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 4-85, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 4-85. (a) Alcoholic beverages may be imported into Virginia under United States customs bonds, and be held in Virginia in United States customs bonded warehouses; and alcoholic beverages may be removed from any such warehouse, wherever situated, to such a warehouse located in Virginia and be held in Virginia.

(b) Such alcoholic beverages so imported or removed to such warehouses in Virginia, shall be released from customs bonds in Virginia only on permits issued by the Board for delivery to the Board, or to other persons entitled to receive the same in Virginia, or to ships actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or trade between the United States and any of its possessions outside of the several states and the District of Columbia, or for shipment outside of the State, or for the official use of persons who are on duty in the United States as members of the armed forces of any foreign country, or for the personal use of any such person or of any member of his immediate family, authorized by federal laws and regulations to receive the same free of customs duties and internal revenue taxes.

(c) Persons * *operating United States* customs * *bonded warehouses* and holding * wholesale or retail licenses issued by the Board, are authorized to make sales and deliveries, in such reasonable quantities as the Board may determine, of alcoholic beverages held in customs bond to foreign armed forces personnel as provided in paragraph (b) of this section. Permits issued by the Board for release of and delivery of such alcoholic beverages to such persons shall also cover the transportation of such imported alcoholic beverages, either by such *operator of a* customs * *bonded warehouse,* or by the purchaser from such * *operator,* from *such* customs bonded warehouse to the place of duty or residence of such authorized persons.

(d) The Board shall have the power to make such regulations as it deems expedient or necessary for the purpose of carrying out the provisions of this section, and to insure that such alcoholic beverages shall be handled only in the manner provided by law.

CHAPTER 102

An Act to amend the Code of Virginia by adding thereto a section numbered 16.1-176.1, so as to provide for trial of a juvenile sixteen years of age or over by a court of record under certain circumstances.

[H 249]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 16.1-176.1, as follows:

§ 16.1-176.1. If a juvenile sixteen years of age or over, who has been

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previously committed to any juvenile training school in this State or any other state, is charged with an offense which, if committed by an adult, could be punishable by death or confinement in the penitentiary, the case shall be certified for proper criminal proceedings, if probable cause be found, to the appropriate court of record having jurisdiction of such offense if committed by an adult, unless the juvenile and domestic relations court shall find and shall certify in its order that it is in the public interest for the matter to be disposed of therein.

CHAPTER 103

An Act to amend the Code of Virginia by adding thereto a section numbered 16.1-178.2, so as to permit juvenile and domestic relations courts and the Department of Welfare and Institutions to commit certain juveniles to the Department of Mental Hygiene and Hospitals under certain circumstances.

[H 250]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 16.1-178.2, as follows:

§ 16.1-178.2. Notwithstanding any other provisions of law, when any juvenile and domestic relations court has adjudged as delinquent a juvenile coming within the provisions of paragraphs (g), (h) and (i) of subsection (1) of § 16.1-158, and is satisfied that he or she is a mental defective, such court may commit such juvenile to an appropriate State hospital for observation as to his or her mental condition, whereupon the proceedings shall be in accordance with the provisions of §§ 37-99 to 37-102, inclusive, of the Code of Virginia, and to that end, such juvenile and domestic relations court judge is hereby vested with the powers of commitment set forth in § 37-102. After commitment of any juvenile to the State Board of Welfare and Institutions, if the Department of Welfare and Institutions finds, as a result of psychiatric examinations and case study, that such juvenile is a mental defective, it may transfer such juvenile to an appropriate State hospital for observation as to his or her mental condition, whereupon the proceedings shall be in accordance with the provisions hereof.

CHAPTER 104

An Act to amend and reenact § 4-22 of the Code of Virginia, relating to method of distribution of net profits of Alcoholic Beverage Control Board.

[H 257]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 4-22 of the Code of Virginia be amended and reenacted as follows:

§ 4-22. The net profits derived under the provisions of this chapter shall, after deducting therefrom such sums as may be allowed the Board by the Governor for the creation of a reserve fund not exceeding the sum

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of one million dollars in connection with the administration of this chapter and to provide for the depreciation on the buildings, plant and equipment owned, held or operated by the Board, be transferred by the Comptroller to the general fund of the State treasury quarterly, within fifty days after the close of each quarter. When such moneys so transferred by the Comptroller to the general fund of the State treasury shall during any fiscal year exceed the sum of seven hundred and fifty thousand dollars, two-thirds of all moneys in excess of seven hundred and fifty thousand dollars so transferred and so paid into the general fund of the State treasury during such fiscal year shall be apportioned *by the Comptroller* and distributed by *warrants of the Comptroller drawn on* the Treasurer of Virginia * to the several counties, cities and towns of the Commonwealth, on the basis of the population of the respective counties, cities and towns, according to the last preceding United States census, for which purpose such portion of the moneys is hereby appropriated. If the population of any city or town shall have been increased through the annexation of any territory since the last preceding United States census, such increase shall, for the purpose of this chapter, be added to the population of such city or town as shown by the last preceding United States census and a proper reduction made in the population of the county or counties from which the annexed territory was acquired. The judge of the circuit court of the county in which the town or greater part thereof seeking an increase under the provisions of this chapter is located is hereby authorized and empowered to appoint two disinterested persons as commissioners, who shall proceed to determine the population of the territory annexed to the town as of the date of the last preceding United States census, and report their findings to the court, and future distributions of the moneys allocated under the provisions of this chapter shall be made in accordance therewith.

The term "net profits" as used in this section shall mean the total of all moneys collected by the Board less all costs, expenses and charges authorized by § 4-23, other than capital expenditures for buildings, plants and equipment.

CHAPTER 105

An Act to amend and reenact § 55-24, as amended, of the Code of Virginia, relating to time of objections to irregularities in advertising sales made by trustees.

[H 329]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 55-24, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 55-24. All deeds made and executed prior to January first, nineteen hundred and * *forty,* by trustees conveying property sold under deeds of trust in which default was made in the debt secured and as to which irregularities in advertising such sales have occurred shall be held and the same are hereby declared valid in all respects, if otherwise valid according to law then in force, after the expiration of fifteen years from the date on which such sale was made by such trustees.

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CHAPTER 106

An Act to amend and reenact § 14-133, as amended, of the Code of Virginia, relating to fees in civil cases in county and municipal courts.

[H 361]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-133, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-133. Fees in civil cases for services performed by the judges or clerks of county courts, municipal courts and police justice courts, or by justices of the peace in the event any such services are performed by such justices in civil cases, shall be as follows, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided:

(1) For all court and justice of the peace services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, $3.00 unless otherwise provided in this section, which shall include the fee prescribed by § 16.1-115. *No such fee shall be collected in any tax case instituted by any county, city or town.*

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any justice of the peace or other issuing officer shall collect the foregoing fee at the time of issuing process. He may deduct therefrom a justice of the peace (or other issuing officer) fee of $1.25 for his services in the case. He shall remit the remainder promptly to the court to which such process is returnable, or to its clerk. Any sheriff, city sergeant, or other officer serving process shall collect the foregoing court fee before serving any notice of motion of judgment, which fee he shall remit on or before the return day of such motion to the court to which such motion is returnable, or to its clerk, except that no fee shall be collected in tax cases until after process has been served. When no service of process is had as to any defendant served by notice of motion for judgment, the officer serving process shall return such notice of motion and the court fee collected by him to the plaintiff or his counsel. The foregoing court fee shall not include the service fee of any sheriff, city sergeant, or other officer serving process, but the person issuing process shall accept and forward any such service fees when tendered at the time of issuing process. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge*; provided, however, reissuance of such process shall be within three months after the original return day and regardless of whether the original process was issued before or after this act takes effect.*

(2) For granting each continuance except the first of any warrant or other proceeding pending before the court, fifty cents, but if the continuance is at the instance and for the convenience of the judge, the fee shall not be charged. Such fee shall be paid by the party requesting the continuance, and shall not be taxed as a part of the costs.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by justices of the peace such fees shall be the only fees charged by such justices for the prescribed services.

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CHAPTER 107

An Act to amend the Code of Virginia by adding thereto a section numbered 58-792.3, relating to extension of time for completion of general reassessment in certain counties.

[H 497]

Approved February 25, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 58-792.3, as follows:

§ 58-792.3. Notwithstanding the provisions of § 58-792, the judge of the circuit court of any county having a population of more than thirty-one thousand but less than thirty-two thousand may, for good cause shown, extend the time for completing the reassessment and complying with the provisions of such section for a period of not exceeding four months from the thirty-first day of December of the year of such reassessment.

2. An emergency exists and this act is in force from its passage.

CHAPTER 108

An Act to amend and reenact § 20-91, as amended, Code of Virginia, relating to grounds for divorce from the bond of matrimony.

[S 54]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20-91, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 20-91. A divorce from the bond of matrimony may be decreed:

(1) For adultery, or sodomy or buggery;

(2) For natural or incurable impotency of body existing at the time of entering into the matrimonial contract;

(3) Where either of the parties subsequent to the marriage has been sentenced to confinement in the penitentiary of this State or of any other state of the United States or to confinement in a penitentiary of the United States, and cohabitation has not been resumed after such confinement (in which case no pardon granted to the party so sentenced shall restore such party to his or her conjugal rights);

(4) Where prior to the marriage, either party, without the knowledge of the other, had been convicted of an infamous offense;

(5) Where either party charged with an offense punishable with death or confinement in the penitentiary has been indicted, is a fugitive from justice, and has been absent for two years;

(6) Where either party wilfully deserts or abandons the other for one year such divorce may be decreed to the party abandoned;

(7) Where, at the time of the marriage, the wife without the knowledge of the husband was with child by some person other than the husband; *

(8) Where prior to the marriage the wife had been, without the knowledge of her husband, a prostitute, such divorce may be decreed to the husband; *and*

(9) On the application of either party if and when the husband and wife have lived separate and apart without any cohabitation and without interruption for three years, and at the time of separation were each resi-

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dent and domiciled in Virginia. Divorce on this ground shall not be granted where service of process is by publication.

CHAPTER 109

An Act to fix the salary of the Auditor of Public Accounts and to appropriate funds therefor.

[H 92]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. On and after March one, nineteen hundred sixty and until July one, nineteen hundred sixty, the salary of the Auditor of Public Accounts shall be paid in semimonthly installments in such amount as to equal on an annual basis a salary of fourteen thousand dollars per annum, which compensation shall be in lieu of any other compensation from any other source.

2. There is hereby appropriated from the general fund of the State treasury the sum of six thousand dollars to be expended for the purposes of this act.

3. An emergency exists and this act is in force from its passage.

CHAPTER 110

An Act to amend and reenact § 46.1-357 of the Code of Virginia, relating to licensing persons under eighteen and allowing cities to prohibit them from driving so as to allow certain counties to prohibit such persons from driving.

[H 103]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-357 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-357. (a) No operator's license shall be issued to any person under the age of eighteen years except as hereinafter provided and no chauffeur's license shall be issued to any person under the age of eighteen years except that:

(1) An operator's license may be issued to a minor over the age of 15 years and under the age of eighteen years upon proper application therefor and upon satisfactory evidence that the minor is mentally, physically and otherwise qualified to drive a motor vehicle with safety. The application must be signed by the father and the mother of the applicant, except that if there be only one surviving parent or one parent has sole custody of the minor, as indicated by an appropriate statement on the application, or if in any case the Commissioner determines that for good cause it is not feasible to secure the signature of both parents, it shall be sufficient that the application be signed by the surviving parent, or parent having sole custody of the minor, or the parent whose signature can be obtained, otherwise by the guardian having custody of such minor or in the event a minor under the age of eighteen years has no father, mother or guardian, then an operator's license shall not be issued to the minor unless his application therefor is signed by the judge of the juvenile and

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domestic relations court of the city or county in which the applicant resides. Any father and mother, surviving parent, parent having custody, or, in the discretion of the Commissioner, either parent, in case both are not present within the State, or guardian, as the case may be, may thereafter file with the Division a written request that the license of said minor so granted be cancelled. Thereupon, the Division shall cancel the license of said minor and such license shall not thereafter be reissued by the Division until a period of six months has elapsed from the date of cancellation. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations court. If it appears that such minor has been adjudged not innocent of the offense alleged the Division shall not issue a license without the written approval of the judge of the juvenile and domestic relations court making an adjudication as to such minor or the like approval of a similar court of the county or city in which the parent, guardian, or employer respectively of the child resides.

(2) The Division upon receiving from any person over the age of fifteen years an application for a temporary instruction permit may in its discretion issue such a permit entitling the applicant while having such a permit in his immediate possession, to drive a motor vehicle upon the highways for a period of ninety days and to students in a public or parochial school driver training course which has been approved by the State Department of Education, for a period of 180 days, when accompanied by a licensed operator or chauffeur who is actually occupying a seat by the driver.

(b) No minor under the age of eighteen years shall drive a motor vehicle on the streets, *roads, highways* and alleys of any city, *or of any county having a population greater than one hundred and thirty thousand* in this State if prohibited from so doing by a proper city *or county* ordinance.

CHAPTER 111

An Act to amend and reenact § 38.1-192 of the Code of Virginia, relating to investments of domestic insurers to authorize investments in obligations of agencies or instrumentalities of the United States of America.

[H 126]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-192 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-192. Any such insurer may invest its funds in bonds, notes, warrants and other securities which are direct obligations of the United States of America, *or any agency or instrumentality thereof,* or for which the faith and credit of the United States of America, *or any agency or instrumentality thereof,* is pledged for the payment of principal and interest.

CHAPTER 112

An Act to repeal § 38.1-286, as amended, of the Code of Virginia, relating to when premiums are to be collected on certain contracts.

[H 164]

Approved February 29, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 38.1-286, as amended, of the Code of Virginia is repealed.

CHAPTER 113

An Act to amend and reenact § 46.1-216 of the Code of Virginia, relating to duty of driver as to certain movements and stopping of motor vehicles and signals required therefor.

[H 195]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-216 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-216. Every driver who intends to start, *back,* stop, turn or partly turn from a direct line shall first see that such movement can be made in safety and whenever the operation of any other vehicle may be affected by such movement shall give * *such* signals as *are* required in §§ 46.1-217, 46.1-218 or 46.1-220, plainly visible to the driver of such other vehicle, of his intention to make such movement.

CHAPTER 114

An Act to amend and reenact § 8-293, as amended, of the Code of Virginia, relating to contradiction of a witness by prior inconsistent writing.

[H 196]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-293, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 8-293. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, relative to the subject matter of the proceeding, without such writing being shown to him; but if it is intended to contradict such witness by the writing his attention must, before such contradictory proof can be given, be called to the particular occasion on which the writing is supposed to have been made, and he may be asked if he did not make a writing of the purport of the one to be offered to contradict him, and if he denies making it, or does not admit its execution, it shall then be shown to him, and if he admits its genuineness, he shall be allowed to make his own explanation of it; but it shall be competent for the court at any time during the trial to require the production of the writing for its inspection, and the court may thereupon make such use of it for the purpose of the trial as it may think best. The provisions of this section shall apply to criminal as well as civil cases. But this section is subject to this qualification, that in an action to recover for a personal injury or death by wrongful act or neglect, no ex parte affidavit or statement in writing other than a deposition, after due notice, of a witness as to the facts or circumstances attending the wrongful act or neglect complained of, shall be used to contradict him as a witness in the case *. *But nothing in this section shall be construed to prohibit the use of any such ex parte affidavit or statement in an action on an insur-*

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ance policy based upon a judgment recovered in a personal injury or death by wrongful act case.

CHAPTER 115

An Act to amend and reenact § 38.1-291 of the Code of Virginia, relating to exemptions from countersignature requirement as to certain insurance policies.

[H 207]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-291 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-291. The provisions of §§ 38.1-282 to 38.1-289 of this article, with respect to insurance companies and their agents, representatives and employees, do not apply to:

(1) Reinsurance contracts between insurance companies;

(2) Life insurance, annuities, accident and sickness insurance other than group accident and sickness insurance, title insurance, and ocean marine insurance;

(3) Insurance of subjects located, resident, or to be performed wholly outside of this State, including insurance of vehicles or aircraft principally garaged outside of this State;

(4) Insurance of the rolling stock and operating properties of railroads or of any liability or other risks incidental to the ownership, maintenance or operation thereof, but not exempting office buildings and warehouses which are rated and insured specifically; *

(5) Mutual assessment fire insurance companies operating under the provisions of Chapter 15 of this title; *or*

(6) Bid bonds issued by surety companies in connection with any public or private contract.

CHAPTER 116

An Act to amend and reenact § 38.1-208 of the Code of Virginia, relating to the limiting of certain investments of domestic insurers by the value of real property.

[H 241]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-208 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-208. No investment in evidences of indebtedness secured upon any real property referred to in paragraph (1) of § 38.1-207 shall at the time such investment is made exceed sixty-six and two-thirds per centum of the fair market value of the property as shown by an appraisement in writing made by at least two competent appraisers *except that if such real property is primarily improved by a single family residence and such evidences of indebtedness provide for amortization of principal, such amortization payments to be made annually or more frequently, over a period of not more than twenty-five years, such investment may be made*

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to an amount not exceeding seventy-five per centum of the fair market value of such real property as shown by such appraisement; and no investment in evidences of indebtedness secured upon any leasehold estate referred to in paragraph (2) of § 38.1-207 shall exceed fifty per centum of the fair market value of the estate as shown by an appraisement in writing made by at least two competent appraisers; provided, however, that any investment in evidences of indebtedness secured upon any such real property may exceed * *the percentage limitations of fair market value stated hereinabove,* and any investment in evidences of indebtedness secured upon any such leasehold estate may exceed fifty per centum of its fair market value, to the extent that the payment of such indebtedness is guaranteed by the Administrator of Veterans' Affairs under the provisions of Title III of an Act of the Congress of the United States, approved June twenty-two, nineteen hundred forty-four, entitled the "Servicemen's Readjustment Act of 1944", as amended.

CHAPTER 117

An Act to amend the Code of Virginia by adding a section numbered 38.1-363.1, relating to fire insurance policies so as to exclude loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination.

[H 271]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 38.1-363.1 as follows:

§ 38.1-363.1. The standard policy of fire insurance prescribed by this title shall not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, whether directly or indirectly resulting from an insured peril under such policy. Insurers issuing any such policies of fire insurance are authorized to affix thereto or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under said policy; provided, however, that nothing herein contained shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination.

CHAPTER 118

An Act to amend and reenact § 20.03 of Chapter 141 of the Acts of Assembly of 1958, approved March 3, 1958, which chapter provided a new charter for the city of Newport News, the section relating to the appointments, terms, and compensation of the Board of Review of real estate assessments of the city of Newport News.

[H 284]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20.03 of Chapter 141 of the Acts of Assembly of 1958, approved March 3, 1958, be amended and reenacted as follows:

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§ 20.03. Notwithstanding any provision of §§ 58-895 to 58-902, 58-914 Code of Virginia, the Courts of Record en banc of the City or the judges thereof in vacation shall, annually, appoint for said City, a Board of Review of real estate assessments to be composed of three members, who shall be freeholders of the City for which they serve. The terms of such members shall commence on * *September first of the year in which they are appointed* and shall expire on the thirtieth day of November of the year in which they are appointed, unless their terms are extended. The said courts or the judges thereof in vacation may extend the terms of the members of the said board of review and shall fill any vacancy therein for the unexpired term. The members of the said board shall receive per diem compensation for the time actually engaged in the duties of the board to be fixed by the council of the City, and to be paid out of the treasury of the City, and the council may limit the per diem compensation to such number of days as, in its judgment, is sufficient for the completion of the work of the board.

2. An emergency exists and this act is in force from its passage.

CHAPTER 119

An Act to amend and reenact §§ 46.1-12, 46.1-58 and 46.1-107 of the Code of Virginia, relating to regulations and requirements for certain equipment used on a motor vehicle.

[H 316]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-12, 46.1-58 and 46.1-107 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-12. The person in charge of any garage or repair shop shall within twenty-four hours report to the State Superintendent of Police any motor vehicle, other than an authorized police or fire department vehicle, brought to his place of business upon which is discovered any * bullet-proof glass or any smoke screen device of any nature.

§ 46.1-58. The Division shall suspend the registration of any motor vehicle, trailer or semitrailer which the Division or the Department of State Police shall determine is not equipped with proper brakes, proper lights, proper horn or warning device, *or* proper electrical or mechanical signalling device *or safety glass* when * required by law, *or* proper mirror, proper muffler, proper windshield wiper, or proper steering gear adequate to insure the safe movement of the vehicle as required by this title or when such vehicle is equipped with a smoke screen device or cutout or when such motor vehicle, trailer or semitrailer is otherwise unsafe to be operated.

§ 46.1-107. Every license plate shall at all times be securely fastened to the motor vehicle, trailer or semitrailer to which it is assigned so as to prevent the plate from swinging *, in a position to be clearly visible, and in a condition to be clearly legible. Insignia, emblems, or trailer hitches or couplings shall not be mounted in such a way that any portion of the license is illegible. The Superintendent may make such rules and regulations as he may deem advisable to enforce the proper mounting and securing of the license plate on the vehicle.

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CHAPTER 120

An Act to amend and reenact §§ 46.1-290 and 46.1-301 of the Code of Virginia, relating to safety regulations for certain equipment used on motor vehicles.

[H 317]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-290 and 46.1-301 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-290. (a) No person shall operate upon a highway any motor vehicle or combination of vehicles having a * *licensed* gross weight in excess of * *forty* thousand * pounds which motor vehicle or combination of vehicles is not equipped with rear fenders, flaps or guards which shall be of such size as will substantially prevent the projection of rocks, dirt, water or other substances to the rear. * Vehicles used exclusively for hauling logs shall be exempt from the provisions of this section.

(b) "Gross weight" for the purpose of this section includes the load upon such motor vehicle or combination of vehicles.

§ 46.1-301. *(a)* No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with * *an exhaust system* of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. * *An exhaust system* shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment * *exhaust system* of private passenger motor vehicles or trucks of standard make.

(b) The term "exhaust system", as used in this section, means all the parts of a motor vehicle through which the exhaust passes after leaving the engine block.

CHAPTER 121

An Act to amend and reenact § 46.1-36 of the Code of Virginia, relating to the retention and destruction of certain records in the office of the Division of Motor Vehicles.

[H 318]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-36 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-36. The Commissioner of the Division of Motor Vehicles, with the approval of the Governor, may, * *destroy any paper or record which is unnecessary to preserve as a permanent record.*

CHAPTER 122

An Act to amend the Code of Virginia by adding thereto a section num-

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bered 46.1-291.1, relating to suspension of objects in such manner as to obscure the view of the driver of a motor vehicle.

[H 319]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 46.1-291.1 as follows:

§ 46.1-291.1. It shall be unlawful for any person to operate a motor vehicle upon a highway in this State with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of such motor vehicle in such a manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window.

CHAPTER 123

An Act to amend and reenact § 46.1-163 of the Code of Virginia, relating to the method of determining fees for service or wrecking vehicles.

[H 320]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-163 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-163. * *For the purpose of determining the registration and license fees paid by the owners of motor vehicles used as service or wrecking cranes, such motor vehicles, when used in connection with the business of any person engaged in selling motor vehicles or repairing the same, shall be treated as other similar private motor vehicles and not as motor vehicles operated for compensation or for hire.*

CHAPTER 124

An Act to amend and reenact § 54-446 of the Code of Virginia, relating to certain criminal penalties.

[H 343]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-446 of the Code of Virginia, be amended and reenacted as follows:

§ 54-446. Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof for the first offense shall be fined not more than * *five* hundred dollars, *or shall be imprisoned in jail not exceeding six months, or both, at the discretion of the jury or the court hearing the case;* and upon conviction of a second offense shall be fined not more than one thousand dollars, or shall be imprisoned in jail not exceeding * *twelve* months, or both, at the discretion of the court.

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CHAPTER 125

An Act to amend and reenact §§ 46.1-293, 46.1-308, 46.1-311 and 46.1-313 of the Code of Virginia, and to amend the Code of Virginia by adding thereto § 46.1-308.1, relating to approval of certain equipment and devices used on a motor vehicle.

[H 401]

Approved February 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-293, 46.1-308, 46.1-311 and 46.1-313 of the Code of Virginia be amended and reenacted and that § 46.1-308.1 be added to the Code of Virginia to read as follows:

§ 46.1-293. When safety glass required. (a) It shall be unlawful for any person to operate on any highway a motor vehicle registered in this State and manufactured or assembled after January first, nineteen hundred and thirty-five, and designed or used for the purpose of carrying persons for compensation or hire or as a public conveyance to transport school children and others, unless such vehicle be equipped with safety glass wherever glass is used in doors, windows, windshields and sideshields.

(b) It shall be unlawful to operate on any highway any motor vehicle registered in this State, manufactured or assembled after January first, nineteen hundred and thirty-six, unless such vehicle be equipped with safety glass *approved by the Superintendent, or meets the standards and specifications of the American Standards Association* whenever glass is used in doors, windows, windshields and sideshields.

(c) The term "safety glass" as used in this section shall be construed to mean any product composed of glass so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken. The Commissioner shall maintain a list of types of glass approved by the Superintendent as conforming to the specifications and requirements for safety glass as set forth in this section and shall not issue a license for or relicense any motor vehicle subject to the provisions herein stated unless such motor vehicle be equipped as herein provided with such approved type of glass.

(d) No glazing material other than safety glass shall be used in any motor vehicle registered in this State, except that the Superintendent may permit safety glazing materials other than glass to be used in lieu of safety glass in portions of motor vehicles, trailers and semitrailers * *designated* by him; provided any such material so used bears a trade name or identifying mark, and has been submitted to and approved by the Superintendent for such use prior to being used in any such motor vehicle, trailer or semitrailer.

(e) If any person shall operate any vehicle in violation of the provisions of this section, he shall be punished as provided in § 46.1-16; if such person shall operate such vehicle under a certificate issued by the State Corporation Commission, in addition to the penalty provided in § 46.1-16 the certificate of such person may in the discretion of the State Corporation Commission be suspended until the provisions of this section are satisfactorily complied with.

(f) Replacement safety glass installed in any part of a vehicle other than the windshield need not bear a trademark or name, provided the glass consists of two or more sheets of glass separated by a glazing material, and provided the glass is cut from a piece of approved safety glass, and provided the edge of the glass can be observed.

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§ 46.1-308. Illegal possession or sale of unapproved equipment. It shall be unlawful for any person to possess with intent to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use or have as equipment upon a motor vehicle operated on a highway any lighting device, warning device, signal device, safety glass or other equipment on which approval is herein required or any part or parts tending to change or alter the operation of such device, glass or other equipment unless of a type that has been submitted to and approved by the Superintendent, *or meets or exceeds the standards and specifications of the Society of Automotive Engineers or the American Standards Association.*

§ 46.1-308.1. It shall be unlawful for any person to use or have as equipment upon a motor vehicle operated on a highway any device or equipment mentioned in § 46.1-308 of the Code which is defective or in unsafe condition.

§ 46.1-311. Procedure for approval of equipment. The Superintendent may establish a procedure for the approval of equipment required to be so approved. Such procedure shall include the submission of a sample of the device for test and record purposes, submission of evidence that the device complies with this title and with recognized testing standards which the Superintendent is hereby authorized to adopt, and payment of the fee hereinafter provided. * The Superintendent shall then within a reasonable time either disapprove the device or issue a certificate of approval therefor.

The Superintendent may waive such approval and the issuance of a certificate of approval when the device or equipment required to be approved by this title is identified as complying with the standards and specifications of the Society of Automotive Engineers or the American Standards Association.

§ 46.1-313. Retesting of devices and revocation of approval certificates. The Superintendent, when having reason to believe that an approved lighting device, horn or warning device, signal device, mirror, windshield wiper, safety glass or other equipment for which a certificate of approval has been issued and which is being sold commercially does not under ordinary conditions of use comply with the requirements of this title, may, after notice to the manufacturer thereof, suspend or revoke the certificate of approval issued therefor, until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this title. *In the event no certificate of approval for such device or equipment has been issued by the Superintendent by reason of a waiver as provided in § 46.1-311 of the Code, the notice to the manufacturer as herein provided shall have the effect of making further sales of such device or equipment unlawful in this State until such device or equipment has been submitted to the Superintendent and a certificate of approval has been issued in accordance with the procedure established pursuant to § 46.1-311 of the Code.* The Superintendent may at the time of retest purchase in the open market and submit to the testing agency one or more sets of such approved device and if such device upon such retest fails to meet the requirements of this title the Superintendent may permanently revoke the certificate of approval of such device. In the discretion of the Superintendent, an approval for the sale and use of any such device may be amended to permit the continued use of such devices already sold but to prohibit further sales of the device.

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CHAPTER 126

An Act to amend and reenact § 29-148, as amended, of the Code of Virginia, relating to taking, possessing, selling, purchasing, or transporting fish from inland waters.

[H 172]

Approved March 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-148, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-148. Unless and until otherwise provided by a regulation of the Commission, after a public hearing, in accordance with the provisions of this title, it shall be unlawful for any person to take or attempt to take any fish in inland waters other than shad, herring or mullet, except by fishing with a hook and line or rod and reel, held in the hand, or to catch, trap, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried, by any means whatever, receive for shipment, transport or carriage, or export, or import at any time or in any manner any species of bass or trout, or the carcass or any part thereof, except as specifically permitted by this article and only by the manner or means and within the numbers stated; except that in the counties of Mecklenburg, Pittsylvania, city of Danville, Charlotte, Campbell, Halifax, Amelia (except between Vaughn's pond and Meadsville dam), Caroline and King George *and in the Meherrin River in Lunenburg County* it shall be lawful to fish with "fish traps" or "fish pots" and haul seines in any and all streams and waters, except in Grassy creek in Mecklenburg County, provided that no person shall catch fish with "fish traps" or "fish pots" and haul seines to be sold; and provided further that it shall be unlawful in any and all of such counties to remove from the waters thereof any bass, perch and trout caught with fish pots or fish traps or haul seines, and any person so catching bass, perch and trout shall immediately return the same to the waters. The Commission shall have the authority to close any streams or rivers or parts of streams or rivers in such counties when same shall be stocked with fish by the Commission. Any provisions of this title to the contrary notwithstanding, it shall be lawful to sell or offer to sell for human consumption trout which have been lawfully acquired provided such trout have been propagated and raised in a hatchery or by other artificial means.

The Commission of Game and Inland Fisheries shall by appropriate regulation establish a practical system of identification of trout so offered for sale for table use.

A violation of the provisions of this section or regulations based thereunder shall be declared a misdemeanor punishable by a penalty as provided by law.

CHAPTER 127

An Act to amend and reenact § 38.1-381.1 of the Code of Virginia, relating to notices of cancellation of motor vehicle insurance policies.

[H 266]

Approved March 1, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 38.1-381.1 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-381.1. No written notice of cancellation sent by mail by an insurer to an insured in accordance with the provisions of a motor vehicle insurance policy shall be effective unless it is sent by registered *or certified* mail or unless at the time of the mailing of said notice, the insurer has obtained from the Post Office Department a written receipt showing the name and address of the insured and the insurer has retained a duplicate copy of said notice upon which is endorsed a certificate by the insurer that the duplicate copy is a copy of the notice which was sent to the insured in the mail for which said receipt was obtained. *

2. An emergency exists and this act is in force from its passage.

CHAPTER 128

An Act to amend the Code of Virginia by adding a section numbered 29-55.2, so as to provide a trip fishing license for trout fishing in the Shenandoah National Park.

[H 267]

Approved March 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 29-55.2 as follows:

§ 29-55.2. There is hereby provided a trip fishing license for residents and nonresidents of the State to fish for trout in the waters of the Shenandoah National Park during the open season for trout, which shall be in lieu of the regular season, State or county, fishing license. Such license shall not entitle the owner thereof to fish outside of said Park or for fish other than trout. The fee for such license shall be three dollars, and said license shall be effective for three successive days, which shall be set forth on the face of the license.

CHAPTER 129

An Act to amend and reenact § 29-145.1, as amended, of the Code of Virginia, relating to killing of deer damaging fruit or crops.

[H 382]

Approved March 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-145.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-145.1. Whenever it is found that deer are damaging fruit trees or crops in the State, the owner or lessee of the lands on which such damage is done shall immediately report such fact to the local game warden for investigation. If after investigation the game warden finds that deer have so injured the fruit trees or crops of such owner or lessee as to cause damage, he shall authorize the owner or lessee to kill such deer when they are found upon his premises and in the act of further injuring such trees or crops.

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The carcass of every deer so killed shall be delivered by the owner or lessee to the game warden of the county, who shall deliver it to such charitable institution or hospital as designated by the Commission of Game and Inland Fisheries; provided, however, that in the counties of Shenandoah, Isle of Wight, Nansemond, Southampton, Fauquier, Pulaski, Washington, Warren, Clarke, Frederick, *Surry* and Rappahannock any deer so killed in any year shall, upon request, be awarded by the game warden to the owner or lessee, who shall give such person a certificate to that effect on forms furnished by the Commission of Game and Inland Fisheries. Any person awarded a deer under this section may make use thereof as if the same had been killed by him during the season therefor.

2. An emergency exists and this act is in force from its passage.

CHAPTER 130

An Act to amend and reenact § 1 of Chapter 87, of the Acts of Assembly of 1950, approved March 3, 1950, relating to the season when squirrels may be lawfully taken in certain counties.

[H 383]

Approved March 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Chapter 87, of the Acts of Assembly of 1950, approved March 3, 1950, be amended and reenacted as follows:

§ 1. It shall be lawful to hunt, capture, take and kill squirrels in the counties of * Prince George, King and Queen, Middlesex, Gloucester and Mathews only with the period beginning November twenty of each year and extending through January twenty following; provided that if the general hunting season for upland game be shortened by law or by regulation then the season for hunting squirrels in the counties of * Prince George, King and Queen, Middlesex, Gloucester and Mathews shall likewise be shortened.

2. An emergency exists and this act is in force from its passage.

CHAPTER 131

An Act to amend the Code of Virginia by adding a section numbered § 29-158.2, to allow the dressing, packing, and selling of bobwhites, quail or partridges by shooting preserve licensees under rules or regulations prescribed by the Commission of Game and Inland Fisheries.

[H 400]

Approved March 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 29-158.2 as follows:

§ 29-158.2. Any provision of this chapter or any regulation heretofore adopted by the Commission to the contrary notwithstanding, it shall be lawful for the licensee of a shooting preserve or his designated agents to dress, pack and sell bobwhites, quail or partridges, raised by him for use as food, under rules or regulations to be prescribed by the Commission.

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CHAPTER 132

An Act to provide for recovering from the parents of certain minors damages for malicious or wilful destruction of public property by such minors.

[S 31]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The State, acting through the officers having charge of the public property involved, or the governing body of a county, city, town, or other political subdivision, or a school board may institute an action and recover from the parents or either of them of any minor under the age of eighteen years, living with such parents or either of them for damages suffered by reason of the wilful or malicious destruction of, or damage to, public property by such minor, provided that not exceeding two hundred dollars may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based.

CHAPTER 133

An Act to amend and reenact §§ 37-1.1 and 37-5, as amended, of the Code of Virginia, relating to certain definitions of certain State institutions and to continuation of the Petersburg Training School.

[S 110]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 37-1.1 and 37-5, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 37-1.1. As used in this title, the following words shall have the meaning ascribed to them:

(1) "Mentally ill" means any person afflicted with mental disease to such an extent that for his own welfare or the welfare of others, or of the community, he requires care and treatment;

(2) "Mentally deficient" means any person afflicted with mental defectiveness from birth or from an early age to such extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care and who is not mentally ill or of unsound mind to such an extent as to require his commitment to an institution for the mentally ill;

(3) "Commissioner" means the Commissioner of Mental Hygiene and Hospitals;

(4) "Department" means the Department of Mental Hygiene and Hospitals;

(5) "Board" means the State Hospital Board;

(6) "Legal resident" means any person who has lived in this State for a period of one year without public support for himself or his spouse or minor children;

(7) "Justice" or "trial justice" includes police justices or civil and police justices of cities, but except as hereinafter provided shall not include a justice of the peace or mayor;

(8) A "dotard" is a person of advanced years whose mental processes have been weakened or impaired, but who shows no delusional

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formation, hallucinations, behavior or emotional variations characteristic of mental illness;

(9) "Insane" means a person who has been adjudicated legally incompetent by a court of record or other constituted authority because of mental disease;

(10) "Feeble-minded" means a person who has been adjudicated legally incompetent by a court of record or other constituted authority because of intellectual defect;

(11) "Hospital" means a hospital for the care and treatment of the mentally ill;

(12) "Colony" means the Lynchburg Training School and Hospital, the Petersburg Training School * or the department for colored epileptics at the Central State Hospital, Petersburg.

§ 37-5. The colony for the care of the colored mentally deficient located partly in Prince George County and partly in Dinwiddie County with the name "Petersburg Training School" *, shall be continued as established and shall be under the management and control of the State Hospital Board.

CHAPTER 134

An Act to amend and reenact § 37-37 of the Code of Virginia, relating to receipt of gifts and endowments by the State Hospital Board.

[S 112]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 37-37 of the Code of Virginia be amended and reenacted as follows:

§ 37-37. *Any other provision of law to the contrary notwithstanding,* the State Hospital Board may receive gifts, bequests and endowments to or for the respective hospitals or colonies in their names or to or for any person committed to or in the custody of such hospitals or colonies, and when such gifts, bequests and endowments are accepted by the Board it shall well and faithfully administer such trusts.

CHAPTER 135

An Act to provide for the submission of proposed amendments to Secs. 1 and 2 of Article XVII of the Constitution of Virginia to the qualified voters for ratification or rejection, and to prescribe when and how such referendum shall be had, and the manner in which the results thereof shall be ascertained and certified, the returns canvassed, and the vote thereon proclaimed by the Governor.

[S 123]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November, nineteen hundred sixty, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendments to the Constitution of Virginia, contained in the joint resolution proposing the said amendments to the

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Constitution of Virginia, and directing a submission of said proposed amendments to the people for their approval and ratification, to wit:

Strike from the Constitution of Virginia Sec. 1 of Article XVII thereof, which is as follows:

Sec. 1. Certain members of armed forces exempt from payment of poll tax and from registering as condition of right to vote.—No member of the armed forces of the United States, while in active service in time of war, shall be required to pay a poll tax or to register as a prerequisite to the right to vote in any and all elections, including legalized primary elections.

And insert in lieu thereof the following:

Sec. 1. No member of the armed forces of the United States, while in active service, shall be required to pay a poll tax or to register as a prerequisite to the right to vote in any and all elections, including legalized primary elections.

Strike from the Constitution of Virginia Sec. 2 of Article XVII thereof, which is as follows:

Sec. 2. Relief from the assessment and payment of poll taxes as affecting the armed forces in certain cases.—All poll taxes for the years 1942, 1943, and 1944, assessed or assessable against any person who is, or who at any time during the existing World War II has been, a member of the armed forces of the United States in active service, are hereby canceled and annulled.

And, also, all poll taxes assessed or otherwise assessable for every year during any part of which such person is a member of said forces in active service during said war or any future war, and, also, for the three years next preceding such person's discharge from said active service, provided such discharge is not dishonorable, although such person was not in said service during all of said years, are hereby canceled and annulled. Members of the armed forces of the United States in active service in time of war shall be exempt from future assessments of poll taxes by this State for all years during a part of which they are hereafter engaged in such service.

And insert in lieu thereof the following:

Sec. 2. All poll taxes for the years 1942, 1943, and 1944, assessed or assessable against any person who is, or who at any time during the existing World War II has been, a member of the armed forces of the United States in active service, are hereby canceled and annulled.

And, also, all poll taxes assessed or otherwise assessable for every year during any part of which such person is a member of said forces in active service during said war or any future war, and, also for the three years next preceding such person's discharge from said active service, provided such discharge is not dishonorable, although such person was not in said service during all of said years, are hereby canceled and annulled. Members of the armed forces of the United States in active service shall be exempt from future assessments of poll taxes by this State for all years during a part of which they are hereafter engaged in such service.

SCHEDULE

At such election a ballot shall be furnished each voter which shall have printed thereon the following:

Question: Shall sections one and two of Article XVII of the Constitution of Virginia be amended so as to permit an exemption for all members of the armed forces of the United States from the payment of poll tax and from registering as condition of right to vote and relief from the assessment and payment of such poll tax.

☐ For
☐ Against

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The ballot shall be prepared, distributed and voted, and the results thereof ascertained and certified, in the manner prescribed by § 24-141 of the Code of Virginia. It shall be the duty of the clerks and commissioners of election of each county and city, respectively, to make out, certify and forward an abstract of the votes cast for and against said proposed amendments in the manner now prescribed by law in relation to votes cast in general elections.

It shall be the duty of the State Board of Elections to open and canvass the said abstracts of returns, and to examine and make statement of the whole number of votes given at said election for said proposed amendments and against said proposed amendments, respectively, in the manner now prescribed by law in relation to votes cast in general elections; and it shall be the duty of the State Board of Elections to record said certified statement in its office, and without delay to make out and transmit to the Governor of the Commonwealth an official copy of said statement, certified by it.

The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against said amendments, to be published in such newspapers in the State as may be deemed requisite for general information; and if a majority of said votes be cast for the ratification of the amendments, he shall annex to his proclamation a copy thereof. The State Board of Elections shall cause to be sent to the clerks of each county and corporation, at least thirty days before the election, as many copies of this act as there are places of voting herein; and it shall be the duty of such clerks to forthwith deliver the same to the sheriffs or sergeants of their respective counties and cities for distribution. Each such sheriff or sergeant shall forthwith post a copy of such act at some public place in each election district at or near the usual voting place in the said district.

The expenses incurred in conducting this election shall be defrayed as in the case of the election of members of the General Assembly.

CHAPTER 136

An Act to amend and reenact §§ 60-10, 60-26, 60-42 as amended, 60-44, 60-45.2, 60-47 as amended, 60-67 as amended, 60-68 as amended, 60-70 as amended, 60-71 as amended, 60-72 as amended, 60-73 as amended, 60-73.1 as amended, 60-75 as amended and 60-76.2 of the Code of Virginia, the amended sections pertaining to the "Virginia Unemployment Compensation Act" and relating to the definition of the Commission and the composition thereof, the weekly benefit amount, benefit rights, the disqualification for benefits, the eligibility of employers for a reduction in the maximum contribution rate, the individual's benefit wages, the employer's benefit wage ratio, the state experience factor, the employer's contribution rate, the increase of the employer's contribution rate, the decrease of contributions by the application of credits, the acquisition of the business of an employing unit by another and the notice when employer's contributions are delinquent.

[S 124]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 60-10, 60-26, 60-42, as amended, 60-44, 60-45.2, 60-47 as amended, 60-67 as amended, 60-68 as amended, 60-70 as amended, 60-71

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as amended, 60-72 as amended, 60-73 as amended, 60-73.1 as amended, 60-75 as amended and 60-76.2 of the Code of Virginia be amended and reenacted as follows:

§ 60-10.—"Commission" means the * *Virginia Employment* Commission. *Wherever in this Title, Code, or any act of the General Assembly the term Unemployment Compensation Commission is used it shall mean the Virginia Employment Commission.*

§ 60-26.—The * *Virginia Employment* Commission shall consist of one Commissioner, hereafter in this title called the "Commissioner", who shall be appointed by the Governor for a term of four years, subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in session, then at its next succeeding session. Appointments to fill vacancies shall be for the unexpired terms. The Commissioner may be suspended or removed by the Governor at his pleasure, and he shall receive such compensation as may be provided in accordance with law.

The Commissioner of Labor shall no longer be a member of the Commission, but he shall give his full cooperation and assistance to the Commission in the administration of this title.

§ 60-42.—With respect to all claims filed on or after * *the effective date of this section,* an eligible individual's weekly "benefit amount" shall be the amount appearing in Column B in the "Benefit Table" in this section on the line on which in Column A of such table, there appears the total wages for insured work earned by such individual in that quarter of his base period in which such total wages were highest. With respect to all claims filed prior to the effective date of this section an eligible individual's weekly "benefit amount" shall be computed under the provisions of this section in force on the date such claim was filed.

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BENEFIT TABLE

DIVISION D

Col. A Highest Quarter Earnings	Col. B Weekly Benefit Amount	Col. C Qualifying Earnings	DURATION OF BENEFITS												
			8 Weeks	9 Weeks	10 Weeks	11 Weeks	12 Weeks	13 Weeks	14 Weeks	15 Weeks	16 Weeks	17 Weeks	18 Weeks	19 Weeks	20 Weeks
75.00			300.00	340.01	380.01	420.01	460.01	500.01	540.01	580.01	620.01	660.01	700.01	740.01	780.01
250.00	10.00	300.00	340.00	380.00	420.00	460.00	500.00	540.00	580.00	620.00	660.00	700.00	740.00	780.00	& over
250.01			330.00	374.01	418.01	462.01	506.01	550.01	594.01	638.01	682.01	726.01	770.01	814.01	858.01
275.00	11.00	330.00	374.00	418.00	462.00	506.00	550.00	594.00	638.00	682.00	726.00	770.00	814.00	858.00	& over
275.01			360.00	408.01	456.01	504.01	552.01	600.01	648.01	696.01	744.01	792.01	840.01	888.01	936.01
300.00	12.00	360.00	408.00	456.00	504.00	552.00	600.00	648.00	696.00	744.00	792.00	840.00	888.00	936.00	& over
300.01			390.00	442.01	494.01	546.01	598.01	650.01	702.01	754.01	806.01	858.01	910.01	962.01	1014.01
325.00	13.00	390.00	442.00	494.00	546.00	598.00	650.00	702.00	754.00	806.00	858.00	910.00	962.00	1014.00	& over
325.01			420.00	476.01	532.01	588.01	644.01	700.01	756.01	812.01	868.01	924.01	980.01	1036.01	1092.01
350.00	14.00	420.00	476.00	532.00	588.00	644.00	700.00	756.00	812.00	868.00	924.00	980.00	1036.00	1092.00	& over
350.01			450.00	510.01	570.01	630.01	690.01	750.01	810.01	870.01	930.01	990.01	1050.01	1110.01	1170.01
375.00	15.00	450.00	510.00	570.00	630.00	690.00	750.00	810.00	870.00	930.00	990.00	1050.00	1110.00	1170.00	& over
375.01			480.00	544.01	608.01	672.01	736.01	800.01	864.01	928.01	992.01	1056.01	1120.01	1184.01	1248.01
400.00	16.00	480.00	544.00	608.00	672.00	736.00	800.00	864.00	928.00	992.00	1056.00	1120.00	1184.00	1248.00	& over
400.01			510.00	578.01	646.01	714.01	782.01	850.01	918.01	986.01	1054.01	1122.01	1190.01	1258.01	1326.01
425.00	17.00	510.00	578.00	646.00	714.00	782.00	850.00	918.00	986.00	1054.00	1122.00	1190.00	1258.00	1326.00	& over
425.01			540.00	612.01	684.01	756.01	828.01	900.01	972.01	1044.01	1116.01	1188.01	1260.01	1332.01	1404.01
450.00	18.00	540.00	612.00	684.00	756.00	828.00	900.00	972.00	1044.00	1116.00	1188.00	1260.00	1332.00	1404.00	& over
450.01			570.00	646.01	722.01	798.01	874.01	950.01	1026.01	1102.01	1178.01	1254.01	1330.01	1406.01	1482.01
475.00	19.00	570.00	646.00	722.00	798.00	874.00	950.00	1026.00	1102.00	1178.00	1254.00	1330.00	1406.00	1482.00	& over
475.01			600.00	680.01	760.01	840.01	920.01	1000.01	1080.01	1160.01	1240.01	1320.01	1400.01	1480.01	1560.01
500.00	20.00	600.00	680.00	760.00	840.00	920.00	1000.00	1080.00	1160.00	1240.00	1320.00	1400.00	1480.00	1560.00	& over
500.01			630.00	714.01	798.01	882.01	966.01	1050.01	1134.01	1218.01	1302.01	1386.01	1470.01	1554.01	1638.01
525.00	21.00	630.00	714.00	798.00	882.00	966.00	1050.00	1134.00	1218.00	1302.00	1386.00	1470.00	1554.00	1638.00	& over
525.01			660.00	748.01	836.01	924.01	1012.01	1100.01	1188.01	1276.01	1364.01	1452.01	1540.01	1628.01	1716.01
550.00	22.00	660.00	748.00	836.00	924.00	1012.00	1100.00	1188.00	1276.00	1364.00	1452.00	1540.00	1628.00	1716.00	& over

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BENEFIT TABLE (Cont'd)

DIVISION D

Col. A Highest Quarter Earnings	Col. B Weekly Benefit Amount	Col. C Qualifying Earnings	DURATION OF BENEFITS												
			8 Weeks	9 Weeks	10 Weeks	11 Weeks	12 Weeks	13 Weeks	14 Weeks	15 Weeks	16 Weeks	17 Weeks	18 Weeks	19 Weeks	20 Weeks
550.01			690.00	782.01	874.01	966.01	1058.01	1150.01	1242.01	1334.01	1426.01	1518.01	1610.01	1702.01	1794.01
575.00	23.00	690.00	782.00	874.00	966.00	1058.00	1150.00	1242.00	1334.00	1426.00	1518.00	1610.00	1702.00	1794.00	& over
575.01			720.00	816.01	912.01	1008.01	1104.01	1200.01	1296.01	1392.01	1488.01	1584.01	1680.01	1776.01	1872.01
600.00	24.00	720.00	816.00	912.00	1008.00	1104.00	1200.00	1296.00	1392.00	1488.00	1584.00	1680.00	1776.00	1872.00	& over
600.01			750.00	850.01	950.01	1050.01	1150.01	1250.01	1350.01	1450.01	1550.01	1650.01	1750.01	1850.01	1950.01
625.00	25.00	750.00	850.00	950.00	1050.00	1150.00	1250.00	1350.00	1450.00	1550.00	1650.00	1750.00	1850.00	1950.00	& over
625.01			780.00	884.01	988.01	1092.01	1196.01	1300.01	1404.01	1508.01	1612.01	1716.01	1820.01	1924.01	2028.01
650.00	26.00	780.00	884.00	988.00	1092.00	1196.00	1300.00	1404.00	1508.00	1612.00	1716.00	1820.00	1924.00	2028.00	& over
650.01			810.00	918.01	1026.01	1134.01	1242.01	1350.01	1458.01	1566.01	1674.01	1782.01	1890.01	1998.01	2106.01
675.00	27.00	810.00	918.00	1026.00	1134.00	1242.00	1350.00	1458.00	1566.00	1674.00	1782.00	1890.00	1998.00	2106.00	& over
675.01			840.00	952.01	1064.01	1176.01	1288.01	1400.01	1512.01	1624.01	1736.01	1848.01	1960.01	2072.01	2184.01
700.00	28.00	840.00	952.00	1064.00	1176.00	1288.00	1400.00	1512.00	1624.00	1736.00	1848.00	1960.00	2072.00	2184.00	& over
700.01			870.00	986.01	1102.01	1218.01	1334.01	1450.01	1566.01	1682.01	1798.01	1914.01	2030.01	2146.01	2262.01
725.00	29.00	870.00	986.00	1102.00	1218.00	1334.00	1450.00	1566.00	1682.00	1798.00	1914.00	2030.00	2146.00	2262.00	& over
725.01			900.00	1020.01	1140.01	1260.01	1380.01	1500.01	1620.01	1740.01	1860.01	1980.01	2100.01	2220.01	2340.01
750.00	30.00	900.00	1020.00	1140.00	1260.00	1380.00	1500.00	1620.00	1740.00	1860.00	1980.00	2100.00	2220.00	2340.00	& over
750.01			930.00	1054.01	1178.01	1302.01	1426.01	1550.01	1674.01	1798.01	1922.01	2046.01	2170.01	2294.01	2418.01
775.00	31.00	930.00	1054.00	1178.00	1302.00	1426.00	1550.00	1674.00	1798.00	1922.00	2046.00	2170.00	2294.00	2418.00	& over
775.01			960.00	1088.01	1216.01	1344.01	1472.01	1600.01	1728.01	1856.01	1984.01	2112.01	2240.01	2368.01	2496.01
and over	32.00	960.00	1088.00	1216.00	1344.00	1472.00	1600.00	1728.00	1856.00	1984.00	2112.00	2240.00	2368.00	2496.00	& over

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§ 60-44.—Benefit rights of individuals shall be based solely upon the benefit year as defined in § 60-8.*1*.

§ 60-45.2.—On and after * *the effective date of this section,* the maximum total amount of benefits payable to any individual during any benefit year shall be determined from the "Benefit Table" shown in § 60-42, but in no case shall such maximum exceed * *twenty* times such individual's weekly benefit amount. Such determination shall be based only upon wages earned in insured work during such individual's base period. The Commission shall maintain a separate account for each individual who subsequent to January first, 1937, earns wages in insured work. After the expiration of each calendar quarter the Commission shall credit each individual's account with the wages earned by him in insured work in such calendar quarter.

§ 60-47.—An individual shall be disqualified for benefits, but only after having served a waiting period as provided in § 60-46:

(a) For seven consecutive weeks, if it is determined by the Commission that such individual is, during any week for which he claims benefits, unemployed because he left work voluntarily without good cause.

(b) For not less than seven nor more than eleven consecutive weeks, if it is determined that such individual is, during any week for which he claims benefits, unemployed because he has been discharged for misconduct connected with his work.

(c) For not less than seven nor more than eleven consecutive weeks, if it is determined by the Commission that such individual has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commission or to accept suitable work when offered him. A disqualification under this subsection shall be imposed for weeks following the weeks during which any disqualification may have been imposed under subsections (a) or (b) of this section.

In determining whether or not any work is suitable for an individual, the Commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience, his length of unemployment and the accessibility of the available work from his residence.

Notwithstanding any other provisions of this title, no work shall be deemed suitable and benefits shall not be denied under this title to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (2) if the wages, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) For any week with respect to which the Commission finds that his total or partial unemployment is due to a stoppage of work which exists (1) because of a labor dispute at the factory, establishment, or other premises (including a vessel) at which he is or was last employed, or (2) because of a labor dispute at a factory, establishment or other premises (including a vessel) either within or without this State, which (a) is owned or operated by the same employing unit which owns or operates the premises at which he is or was last employed and (b) supplies materials or services necessary to the continued and usual operation of the premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the Commission that:

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

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(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises (including a vessel) at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

Provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment or other premises. Provided further, that mere membership in a union, or the payment of regular dues to a bona fide labor organization, shall not alone constitute financing a labor dispute.

(e) When an individual is disqualified for benefits under subsections (a) or (b) or (c) of this section, the total amount of benefits to which he may otherwise be entitled in accordance with §§ 60-41 to 60-45.*2* shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.

§ 60-67.—For each calendar year commencing after December thirty-first, nineteen hundred * *sixty*, the contribution rate of each employer, whose experience rating account has been chargeable with benefit wages throughout the most recent *twelve* completed calendar * *month period ending on the thirtieth day of June of the calendar year immediately preceding the calendar year for which a contribution rate is being determined*, shall be computed as hereinafter provided. * The Commission shall notify each such employer of his contribution rate for such calendar year not later than * *the thirty-first day of December immediately preceding such year*, but the failure of any such employer to receive such notice shall not relieve him from liability for such contribution.

§ 60-68.—Effective * *July* first, nineteen hundred * *sixty*, when in any benefit year an individual is paid benefits equal to three times his weekly benefit amount his wages during his base period shall be termed the individual's "benefit wages". If such individual's unemployment is caused by separation from an employer subject to this title, such individual's "benefit wages" shall be treated for the purposes of this article as though they had been paid by such employer in the calendar year in which such benefits are first paid. The employer from whom such individual was separated, resulting in the current period of unemployment, shall be the most recent employer for whom such individual has performed services for remuneration during thirty days, whether or not such days are consecutive. For the purposes of this article, "benefit wages" shall include only the first two thousand *five hundred* and * *sixty* dollars of wages received by any one individual from all employers in such individual's base period.

An individual's "benefit wages" shall not be treated as though they had been paid by an employer subject to this title if such employer is deemed to have paid, under this section, other "benefit wages" of such individual arising out of the same separation from work.

No "benefit wages" shall be deemed to have been paid by any employer of an individual whose separation from the work of such employer arose as a result of a violation of the law by such individual, which violation led to confinement in any jail or prison.

§ 60-70.—The "benefit wage ratio" of each employer *for a given calendar year* shall be the percentage equal to the employer's benefit wages for the * *twelve consecutive* calendar *month period ending on the thirtieth day of June immediately preceding that calendar* year, divided by the total of his * payroll for the same * *period* except that for an employer whose account has been chargeable with benefit wages for * *thirty-six* or more consecutive

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completed calendar * *months,* the "benefit wage ratio" shall be the percentage equal to the employer's benefit wages for the most recent * *thirty-six* consecutive completed calendar *month period ending on the thirtieth day of June immediately preceding that calendar* year, divided by the total of his * payrolls for the same * *period,* and for an employer whose account has been chargeable with benefit wages for * *twenty-four* but less than * thirty-six consecutive completed calendar * *months* the "benefit wage ratio" shall be the percentage equal to the employer's benefit wages for the most recent * *twenty-four consecutive* completed calendar *month period ending on the thirtieth day of June immediately preceding that calendar* year divided by his * payroll for the same * *period.* The term * "payroll(s)" as used herein means the payroll on which contributions have been paid on or before * *July* 31 * *immediately following such June 30.*

§ 60-71.—For any calendar year the "State experience factor" shall be the total benefits paid from the fund during the most recent *thirty-six* consecutive completed calendar * *month period ending June 30 of the immediately preceding calendar* year, less all amounts credited to the fund in such * *period* other than employer's contributions, divided by the total of the "benefit wages" of all individuals as determined pursuant to § 60-68 during the same * *period.* In such computation any fraction shall be adjusted to the nearest multiple of one per centum.

§ 60-72.—Subject to the provision of § 60-73, the contribution rate for each employer shall be the percentage at the lowest numbered column in the following table, in which on the same line as the current state experience factor, there appears a percentage equal to the employer's benefit wage ratio, calculated to the nearest multiple of one-tenth of one per centum. If no percentage appearing in *the same line of* the table is equal to such *benefit* wage ratio the * *next highest* * percentage immediately to the right in the same line * shall determine the rate. * If no percentage equal to or in excess of such employer's benefit wage ratio appears on such line, then such employer's contribution rate shall be two and seven-tenths per centum.

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TABLE

When the State Experience Factor is	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13
	If the employer's benefit wage ratio does not exceed:												
1% or less	0.4%	0.8%	1.7%	3.3%	5.0%	6.7%	8.3%	10.0%	11.7%	13.3%	15.0%	16.7%	18.3%
2	0.4	0.7	1.4	2.9	4.3	5.7	7.1	8.6	10.0	11.4	12.9	14.3	15.7
3	0.3	0.6	1.2	2.5	3.7	5.0	6.2	7.5	8.7	10.0	11.3	12.5	13.7
4	0.3	0.6	1.1	2.2	3.3	4.4	5.6	6.7	7.8	8.9	10.0	11.1	12.2
5	0.2	0.5	1.0	2.0	3.0	4.0	5.0	6.0	7.0	8.0	9.0	10.0	11.0
6	0.2	0.5	0.9	1.8	2.7	3.6	4.5	5.5	6.4	7.3	8.2	9.1	10.0
7	0.2	0.4	0.8	1.7	2.5	3.3	4.2	5.0	5.8	6.7	7.5	8.3	9.2
8	0.2	0.4	0.8	1.5	2.3	3.1	3.8	4.6	5.4	6.2	6.9	7.7	8.5
9	0.2	0.4	0.7	1.4	2.1	2.9	3.6	4.3	5.0	5.7	6.4	7.1	7.9
10	0.2	0.3	0.7	1.3	2.0	2.7	3.3	4.0	4.7	5.3	6.0	6.7	7.3
11	0.2	0.3	0.6	1.2	1.9	2.5	3.1	3.7	4.4	5.0	5.6	6.2	6.9
12	0.1	0.3	0.6	1.2	1.8	2.4	2.9	3.5	4.1	4.7	5.3	5.9	6.5
13	0.1	0.3	0.6	1.1	1.7	2.2	2.8	3.3	3.9	4.4	5.0	5.6	6.1
14	0.1	0.3	0.5	1.1	1.6	2.1	2.6	3.2	3.7	4.2	4.7	5.3	5.8
15	0.1	0.2	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5
16	0.1	0.2	0.5	1.0	1.4	1.9	2.4	2.9	3.3	3.8	4.3	4.8	5.2
17	0.1	0.2	0.5	0.9	1.4	1.8	2.3	2.7	3.2	3.6	4.1	4.5	5.0
18	0.1	0.2	0.4	0.9	1.3	1.7	2.2	2.6	3.0	3.5	3.9	4.3	4.8
19	0.1	0.2	0.4	0.8	1.2	1.7	2.1	2.5	2.9	3.3	3.7	4.2	4.6
20	0.1	0.2	0.4	0.8	1.2	1.6	2.0	2.4	2.8	3.2	3.6	4.0	4.4
21	0.1	0.2	0.4	0.8	1.2	1.5	1.9	2.3	2.7	3.1	3.5	3.8	4.2
22	0.1	0.2	0.4	0.7	1.1	1.5	1.9	2.2	2.6	3.0	3.3	3.7	4.1
23	0.1	0.2	0.4	0.7	1.1	1.4	1.8	2.1	2.5	2.9	3.2	3.6	3.9
24	0.1	0.2	0.3	0.7	1.0	1.4	1.7	2.1	2.4	2.8	3.1	3.4	3.8
25	0.1	0.2	0.3	0.7	1.0	1.3	1.7	2.0	2.3	2.7	3.0	3.3	3.7
	The employer's contribution rate shall be:												
	0.1%	0.2%	0.3%	0.4%	0.5%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%

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TABLE—Continued

	Col. 14	Col. 15	Col. 16	Col. 17	Col. 18	Col. 19	Col. 20	Col. 21	Col. 22	Col. 23	Col. 24	Col. 25	Col. 26	Col. 27
1% or loss	20.0%	21.7%	23.3%	25.0%	26.7%	28.3%	30.0%	31.7%	33.3%	35.0%	36.7%	38.3%	40.0%	41.7%
2	17.1	18.6	20.0	21.4	22.9	24.3	25 7	27.1	28.6	30.0	31.4	32.9	34.3	35.7
3	15.0	16.2	17.5	18.7	20.0	21.2	22.5	23.8	25.0	26.2	27.5	28.7	30.0	31.2
4	13.3	14.4	15.6	16.7	17.8	18.9	20.0	21.2	22.2	23.3	24.4	25.6	26.7	27.8
5	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0
6	10.9	11.8	12.7	13.6	14.5	15.5	16.4	17.3	18.2	19.1	20.0	20.9	21.8	22.7
7	10.0	10.8	11.7	12.5	13.3	14.2	15.0	15.8	16.7	17.5	18.3	19.2	20.0	20.8
8	9.2	10.0	10.8	11.5	12.3	13.1	13.8	14.6	15.4	16.2	16.9	17.7	18.5	19.2
9	8.6	9.3	10.0	10.7	11.4	12.1	12.9	13.6	14.3	15.0	15.7	16.4	17.1	17.9
10	8.0	8.7	9.3	10.0	10.7	11.3	12.0	12.7	13.3	14.0	14.7	15.3	16.0	16.7
11	7.5	8.1	8.7	9.4	10.0	10.6	11.2	11.9	12.5	13.1	13.7	14.4	15.0	15.6
12	7.1	7.6	8.2	8.8	9.4	10.0	10.6	11.2	11.8	12.4	12.9	13.5	14.1	14.7
13	6.7	7.2	7.8	8.3	8.9	9.4	10.0	10.6	11.1	11.7	12.2	12.8	13.3	13.9
14	6.3	6.8	7.4	7.9	8.4	8.9	9.5	10.0	10.5	11.1	11.6	12.1	12.6	13.2
15	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5	12.0	12.5
16	5.7	6.2	6.7	7.1	7.6	8.1	8.6	9.0	9.5	10.0	10.5	11.0	11.4	11.9
17	5.5	5.9	6.4	6.8	7.3	7.7	8.2	8.6	9.1	9.5	10.0	10.5	10.9	11.4
18	5.2	5.7	6.1	6.5	7.0	7.4	7.8	8.3	8.7	9.1	9.6	10.0	10.4	10.9
19	5.0	5.4	5.8	6.2	6.7	7.1	7.5	7.9	8.3	8.7	9.2	9.6	10.0	10.4
20	4.8	5.2	5.6	6.0	6.4	6.8	7.2	7.6	8.0	8.4	8.8	9.2	9.6	10.0
21	4.6	5.0	5.4	5.8	6.2	6.5	6.9	7.3	7.7	8.1	8.5	8.8	9.2	9.6
22	4.4	4.8	5.2	5.6	5.9	6.3	6.7	7.0	7.4	7.8	8.1	8.5	8.9	9.3
23	4.8	4.6	5.0	5.4	5.7	6.1	6.4	6.8	7.1	7.5	7.9	8.2	8.6	8.9
24	4.1	4.5	4.8	5.2	5.5	5.9	6.2	6.6	6.9	7.2	7.6	7.9	8.3	8.6
25	4.0	4.3	4.7	5.0	5.3	5.7	6.0	6.3	6.7	7.0	7.3	7.7	8.0	8.3
	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%

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§ 60-73.— * *As of* * the *beginning of* * *the first day of July,* nineteen hundred * *sixty-one, and as of the beginning of the first day of July of each succeeding calendar year,* the balance which shall stand to the credit of the account of the Commonwealth of Virginia in the Unemployment Trust Fund in the treasury of the United States, including amounts withdrawn therefrom but not expended, * shall be compared with the average of taxable payrolls on which contributions were paid during the * preceding *thirty-six* calendar * *months.*

If such balance is less than five per centum * of the average of such taxable payrolls *an adjustment factor shall be added to* the contribution rate * *of* each employer *for* * the * *calendar year following such first day of July.*

*

Such adjustment factor shall be equal to one-quarter of the difference, calculated to the nearest one-tenth of one per centum, between such percentage balance and six per centum of the average of such taxable payrolls. Such adjustment factor shall remain in effect throughout the entire calendar year for which it is added.

No employer's contribution rate under this section shall be increased to a total of more than two and seven-tenths per centum.

§ 60-73.1.—As of the beginning of the first day of * *July,* nineteen hundred * *sixty-one,* and as of the beginning of the first day of * *July* of each succeeding calendar year, the balance which shall stand to the credit of the account of the Commonwealth of Virginia in the Unemployment Trust Fund in the treasury of the United States, including amounts withdrawn therefrom but not expended and including any amount in the clearing account without regard to possible refunds, shall be compared with the average of taxable payrolls on which contributions were paid during the * preceding *thirty-six* calendar * *months.*

If such balance is as much as seven per centum but not as much as seven and one-fourth per centum of the average of such taxable payrolls, each employer who is assigned a contribution rate for the *following* calendar year of less than two and seven-tenths per centum on the basis of his and/or his predecessor's experience shall be entitled to a credit of twenty per centum of the contributions accruing and payable by him for * *each* of the ensuing four calendar quarters beginning the first day of January * *following* such * *first day of July.*

If such balance is as much as seven and one-fourth per centum of the average of such taxable payrolls each employer who is assigned a contribution rate for the *following* calendar year of less than two and seven-tenths per centum on the basis of his and/or his predecessor's experience shall be entitled to a credit of forty per centum of the contributions accruing and payable by him for * *each* of the ensuing four calendar quarters beginning the first day of January * *following* such * *first day of July.*

Any credit so determined shall be applied by the Commission as a payment and corresponding decrease in contributions accruing for such ensuing four calendar quarters.

Notice in writing of the entitlement to a credit shall be given by the Commission to each employer not later than * *the 31st day of December immediately preceding the* year *for which such credit is applicable,* and such notice shall be mailed to each employer at his last known address.

§ 60-75.—Wherever any employing unit in any manner succeeds to or acquires the organization, trade, separate establishment or business, or substantially all the assets thereof (whether or not the succeeding or acquiring unit was an "employing unit", as that term is defined in § 60-13, prior to such acquisition) of another which at the time of such acquisition was an employer subject to this title, and such predecessor employing

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unit within sixty days after the Commission has notified the successor employing unit of its right to request a waiver, has executed and filed with the Commission on a form approved by the Commission together with such information regarding the prior experience of the predecessor as may be required by the Commission, a waiver relinquishing all rights to prior experience for the purpose of obtaining a reduced rate and requesting the Commission to permit such experience to inure to the benefit of the successor employing unit, upon request of the successor employing unit within the same sixty day period, the experience record for rate computation purposes of the predecessor shall thereupon be deemed the experience record of the successor as of the first day of * *July* of the calendar year * in which the acquisition occurred. Such successor, unless already an employer subject to this title, shall, during the remainder of the current calendar year upon the filing of the waiver herein mentioned within the period specified, be subject to the rate of taxation of the predecessor, but if such successor is at the time of the acquisition an employer subject to this title, such successor's rate of tax to which it is then subject shall remain the same until the next determination of rates under this chapter for all employers.

Notwithstanding any other provisions of this section, if the required forms and information concerning the acquisition are not received from the successor and predecessor within the time prescribed herein, the experience record for rate computation purposes shall be deemed transferred to the successor as of the first day of * *July of* * the calendar year in which such forms and information are received.

This section shall apply only to acquisitions occurring on or after the first day of January nineteen hundred * *sixty.*

§ 60-76.2.—Notwithstanding any other provisions of this chapter, * if on * *July* 31 of any year the contributions or any portion thereof and/or the interest due thereon for any previous quarter is delinquent and unpaid and has been delinquent and unpaid for a period of 90 days or more, the Commission may thereafter issue a notice of delinquency demanding payment, and if the amount due is not paid within 30 days after such notice is mailed to the delinquent employer at his last known address, such delinquent employer's rate for the calendar year *immediately following the calendar year* in which such notice is sent shall not be computed under the provisions of this article.

2. §§ 60-10, 60-26, 60-42 as amended, 60-44, 60-45.2, 60-47 as amended, 60-67 as amended, 60-68 as amended, 60-70 as amended, 60-71 as amended, 60-75 as amended and 60-76.2 of the Code of Virginia, as herein amended shall be effective on and after July 1, 1960.

§ 60-72, as amended, of the Code of Virginia, as herein amended for purposes of computing contribution rates for the calendar year 1961 shall be effective on and after July 1, 1960, but for all other purposes such section shall be effective on and after January 1, 1961.

§§ 60-73 and 60-73.1, as amended, of the Code of Virginia, as herein amended shall be effective on and after December 31, 1960.

CHAPTER 137

An Act to establish the boundary between certain properties owned by the city of Staunton and the State, respectively.

[S 158]

Approved March 2, 1960

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Be it enacted by the General Assembly of Virginia:

1. The property line between the lands of Western State Hospital and the city of Staunton, which lands abut upon Greenville Avenue shall be as hereinafter set forth upon and as shown on a plat entitled "Plat showing property line as agreed upon between Virginia State Hospital Board and the city of Staunton, Virginia," dated September 16, 1958, and drawn by C. M. Moyer, Jr., City Engineer, as the line from "A" to "B", said line bearing S68°-04′W 158.15′, from "A" to "B".

The line between the properties is marked by a chain link fence erected on top of and in the center of the masonry wall, said line being marked in red on the above mentioned plat, and described as follows:

Beginning at a point on the east line of Greenville Avenue, said point being at the intersection of the east line of Greenville Avenue and the center line of a masonry wall, and said point being 0.44′ southwest of point "A"; thence leaving Greenville Avenue, and running with the center of the masonry wall, S68°-01′E 50.00′; S68°-00′E 50.00′; S68°-06′E 38.50′; and S70°-33′E 19.65′ to "B".

The area in question is a piece of ground 158.15′ long and approximately 0.49 wide and is occupied by a stone masonry retaining wall supporting the property owned by the city of Staunton.

2. An emergency exists and this act is in force from its passage.

CHAPTER 138

An Act to amend and reenact § 51-111.55, as amended, of the Code of Virginia, relating to service retirement allowance under the Virginia Supplemental Retirement Act.

[S 172]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 51-111.55, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 51-111.55, Subject to paragraph (h), upon service retirement a member shall receive an annual retirement allowance, payable monthly to him for life, which shall consist in the case of:

(a) Normal retirement.—An amount equal to one per centum of his average final compensation multiplied by his number of years of creditable service subject, however, to the provisions of subsections (c) and (d) of this section.

(b) Early retirement.—An amount which shall be determined in the same manner as for retirement at his normal retirement date with years of creditable service and average final compensation being determined as of the date of his actual retirement, and the amount of the retirement allowance so determined being reduced on an actuarial equivalent basis for the period that the actual retirement date precedes the normal retirement date subject, however, to the provisions of subsections (c) and (e) of this section.

(c) Normal or early retirement.—An amount additional to (a) or (b) above which shall be the actuarial equivalent, for his attained age at time of retirement, of the excess, if any, of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited since such transfer to the date of retirement, over the amount obtained by accumulating at the rate of two per centum compounded annually, annual amounts equal to four per centum of his annual creditable compensation at the date of abolition of the Virginia Retirement

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System for a period equal to his period of membership in the abolished system and with interest credited at two per centum annually from the date of such transfer to the date of retirement.

(d) Normal retirement guarantee.—The retirement allowance payable upon normal retirement to a former member of the abolished system who transferred his accumulated contributions to the retirement system as provided in § 51-111.41 and who has not withdrawn such contributions prior to retirement, shall be at least an amount which when added to the primary social security benefits to which the member may become entitled under the Federal Social Security Act in effect at his retirement date, would equal the service retirement allowance to which the member would have been entitled under the provisions of the abolished system if he had continued contributions at the amount in effect at the date of abolition of the Virginia Retirement System.

(e) Early retirement guarantee.—The retirement allowance payable upon early retirement to a former member of the abolished system who transferred his accumulated contributions to the retirement system as provided in § 51-111.41 and who has not withdrawn such contributions prior to retirement shall not be less than the service retirement allowance determined in accordance with the provisions of the abolished system in the case of any member who would have qualified prior to his normal retirement date for such service retirement allowance if the Virginia Retirement System had not been abolished; provided, however, that the total retirement allowance payable in accordance with this subsection after any such member attains his sixty-fifth birthday shall be reduced by the amount of any primary social security benefits to which such member becomes entitled under the Federal Social Security Act then in effect, but the retirement allowance shall in no case be reduced below the amount that would be payable to such member except for the provisions of this subsection, *nor effective July one, nineteen hundred sixty shall the combined retirement system allowance and primary social security benefit upon attaining age sixty-five be less than the retirement allowance payable, including increases provided by the General Assembly of Virginia, to former members retired under the provisions of the retirement acts in effect prior to March one, nineteen hundred fifty-two.*

(f) Minimum service retirement allowance.—Anything in this section to the contrary notwithstanding the amount of annual retirement allowance as determined under subsection (a) or (e) of this section shall be at least an amount which when added to the primary social security benefits to which the member may become entitled under the Federal Social Security Act in effect at his retirement date would equal twenty dollars times the number of years of creditable service of the member subject to a maximum of six hundred dollars.

(g) Determination of retirement allowance.—For the purposes of this section the retirement allowance shall be determined on the assumption that the retirement allowance is payable to the member alone and that no optional retirement allowance is elected.

(h) Beneficiary serving in position covered by this chapter.—Should a beneficiary of a service retirement allowance under this chapter or the abolished system be at any time in service in a position covered under the provisions of this chapter, his retirement allowance shall cease while so employed.

CHAPTER 139

An Act to authorize the Commission of Game and Inland Fisheries to

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acquire certain land by purchase or condemnation and to prescribe procedure in connection therewith.

[S 208]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The Commission of Game and Inland Fisheries may acquire land and structures deemed necessary for its purposes located in Pastures District, Augusta County, Virginia, described in an option agreement between North Mountain Brick Company, Incorporated and the Commonwealth of Virginia dated November 3, 1958 and recorded February 12, 1959 in the Clerk's Office of the Circuit Court of Augusta County by purchase or exercise of the power of eminent domain. Title to land so acquired shall be in the name of the Commonwealth. In the exercise of the power of eminent domain granted under this section, the Commission may proceed in the manner provided by law for the State Highway Commissioner in §§ 33-57 through 33-75 of the Code of Virginia.

2. An emergency exists and this act is in force from its passage.

CHAPTER 140

An Act to authorize a referendum in any city having power to adopt regulations or ordinances requiring that dogs be kept on leash or otherwise restrained, on the question whether any such ordinance so adopted shall become effective in such city.

[H 36]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The governing body of any city, having the power to adopt regulations or ordinances requiring that dogs within the confines of any such city be kept on leash or otherwise restrained, may by resolution directed to the circuit or corporation court of such city request the judge of any such court to order a referendum as to whether any such ordinance so adopted shall become effective in the city. Such referendum shall be held and conducted and the results thereof ascertained and certified in accordance with § 24-141 of the Code or applicable charter provisions otherwise providing for special elections and referendums for such city. The court shall require such governing body to give appropriate notice of the time, place and subject matter of such referendum.

§ 2. The results of such referendum shall not be binding upon the governing body of any such city but may be used in ascertaining the sense of the voters.

CHAPTER 141

An Act to amend and reenact § 46.1-14 of the Code of Virginia, relating to records required of persons renting motor vehicles without drivers.

[H 233]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-14 of the Code of Virginia be amended and reenacted as follows:

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§ 46.1-14. (a) Every person or persons engaged in the business of renting motor vehicles without drivers who shall rent any such vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented and the exact time the vehicle is the subject of such rental or in possession of the person renting and having the use of the vehicle. Every such record shall be a public record and open to inspection by any person damaged as to his person or property by the operation of the vehicle or by any member of any traffic or police department in the discharge of his duty. Any person who has been damaged as to his person or property may require a production of such written record in person or by his duly authorized agent or attorney. *Whenever any motor vehicle shall be rented for a period in excess of thirty days, the owner or his agent shall furnish the Commissioner with a record of the name and address of the person to whom such vehicle is rented and the date on which such rental is to terminate. A like record shall be furnished to the Commissioner on each renewal of any such rental.*

(b) It shall be a misdemeanor for any such person who shall rent a motor vehicle as herein provided to fail to make or have in possession or to refuse an inspection of the record required in this section.

(c) The Commissioner shall prescribe a form for the keeping of the record provided in this section and the owner shall use such form.

CHAPTER 142

An Act to amend and reenact § 42-55 of the Code of Virginia, relating to the furnishing of State publications.

[H 253]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 42-55 of the Code of Virginia be amended and reenacted as follows:

§ 42-55. The * *Director of the Department of Purchases and Supply* shall, upon publication, set aside and deliver to the State Library two copies of every publication printed under his authority, except reports of the Supreme Court of Appeals.

He shall also set aside and deliver to the State Library such copies of every publication printed under his authority as may be designated in writing by the State Librarian to be used for gifts and for exchange, not to exceed one hundred copies of any publication.

CHAPTER 143

An Act to amend and reenact § 2, as amended, of Chapter IX, § 1 of Chapter X and § 1 of Chapter XXVII of Chapter 431 of the Acts of Assembly of 1950, approved April 6, 1950, which provided a charter for the city of Hopewell, and to further amend such Chapter by adding in Chapter XXVII thereof sections numbered 2 through 15, the amended and new sections relating to the substitute civil and police justice, bailing justices and the pension fund.

[H 264]

Approved March 2, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 2, as amended, of Chapter IX, § 1 of Chapter X and § 1 of Chapter XXVII of Chapter 431 of the Acts of Assembly of 1950, approved April 6, 1950, be amended and reenacted and that such Chapter be amended by adding in Chapter XXVII thereof sections numbered 2 through 15 as follows:

Chapter IX

§ 2. There shall be appointed for a term of two years a substitute civil and police justice appointed as hereinbefore provided, who shall act for said civil and police justice when he is unable to perfrom the duties of his office, who shall have such qualifications as the council may by ordinance or resolution provide. When acting for the civil and police justice, he shall receive such salary as is provided for the civil and police justice, and such compensation, in excess of sixty days, shall be deducted from the compensation of the civil and police justice, and shall have such jurisdiction and authority as is provided for civil and police justices by the general laws of the State of Virginia, with a minimum of one month's salary. He shall have authority to issue warrants, *search warrants* and summonses in criminal and civil cases *and to bail persons charged with felonies and misdemeanors or violations of city ordinances* whether acting as substitute civil and police justice at the time or not.

Chapter X

§ 1. The city council may appoint one or more persons, *from time to time,* as it may deem necessary, for terms * *to expire on the first Tuesday in September next following each regular municipal election,* as bailing justices for said city, who shall have authority to issue warrants and summonses in criminal cases, and to bail persons charged with misdemeanors or violation of city ordinances, and whose qualifications, terms of office and compensation shall be such as the council may by ordinance or resolution provide.

Chapter XXVII

§ 1. The council of said city shall have authority to establish a fund or funds for the relief or pensions of persons in the service of the city; to receive gifts, devises and bequests of money or property for the benefit of such fund or funds; to make contributions of public moneys thereto on such terms and conditions as it may see fit; and, *subject to the provisions of this chapter,* to make rules and regulations for the management and administration of such fund or funds.

§ *2. As used in this chapter, the terms:*

(1) "Regular annual salary" shall mean the amount paid annually to any employee of the city from public funds plus the value of any perquisites of such employee. In the case of an employee who is paid on an hourly basis, his regular annual salary shall be computed by multiplying his hourly rate of pay by the number of hours regularly worked per week and by multiplying the product thereof by fifty-two.

(2) "Employee" shall mean any person regularly employed by the city on a full-time basis whose tenure is not restricted as to temporary or provisional appointment, except any employee of the city school board, the mayor or any member of the council, but including the city treasurer, the commissioner of the revenue, the city sergeant, the Commonwealth's attorney, the city attorney, the judge of the municipal court, the judge of the juvenile and domestic relations court, the clerks, deputies and employees of such courts, the city manager and the city clerk.

(3) "Service" means service as an employee.

(4) "Prior service" means service rendered as an employee prior

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to July one, nineteen hundred fifty-eight for which credit is allowed under the provisions of this chapter.

(5) "Creditable service" means prior service plus service for which credit is allowable under this chapter.

(6) "Committee" means the pension committee created by § 3 of this chapter.

(7) "Average final salary" means the average annual creditable salary of an employee during his last three years of creditable service.

§ 3. There is hereby created a Pension Committee to administer the provisions of this chapter. The committee shall consist of five members as follows: The mayor and the city manager shall be members ex officio and three members shall be residents of the city appointed by the council, two of whom shall be appointed for terms to expire on September one, nineteen hundred sixty and one of whom shall be appointed for a term to expire September one, nineteen hundred sixty-two. Thereafter appointments shall be for terms of four years except appointments to fill vacancies which shall be for the unexpired term.

§ 4. The committee shall be the trustee of the fund created by this chapter and shall have power and authority to invest and reinvest such funds in such securities as are approved for investment of public sinking funds, provided that the committee shall maintain liquid assets in such fund sufficient to discharge current obligations of such fund in each fiscal year.

§ 5. The council shall appropriate to the committee annually such sum as the council shall determine to be necessary to carry out the purposes of this chapter. The committee shall certify the sum so appropriated to the treasurer on or before the beginning of each fiscal year; whereupon the treasurer shall transfer such sum from the general fund of the city into the pension fund.

§ 6. The treasurer of the city shall be the custodian of the assets of the pension fund. All payments from the accounts thereof shall be made by him by check as directed by resolution of the committee.

§ 7. At least once in each two-year period, the council shall cause an actuarial investigation to be made of all the experience under the pension fund. Pursuant to such investigations the council shall, from time to time, revise the actuarial bases of the appropriations required under this chapter. The committee shall prepare and furnish annually to the council a valuation of the assets and liabilities and a statement of the receipts and disbursements of the pension fund.

§ 8. No contribution shall be required of any employee as a condition of receiving any benefits provided under this chapter.

§ 9. The benefits provided by this chapter shall not be reduced as to any employee by reason of any income which such employee may receive from any other source, provided, however, that an employee who, having retired, reenters the service of the city, shall not be entitled to receive such benefits during the time he is in the service of the city.

§ 10. Each person employed by the city prior to July one, nineteen hundred fifty-eight shall file with the committee, in such form as the committee may prescribe, a statement of the facts pertaining to his status as an employee which shall contain a detailed description of all service rendered the city and such other information as the committee may require. The committee, as soon as practicable after such statement is filed, shall determine the amount of prior service of such employee and shall issue prior service certificates covering all creditable service prior to July one, nineteen hundred fifty-eight. Such certificate, when issued, shall be conclusive as to such prior service credit unless and until modi-

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fied by the committee upon application made by the employee to whom it is issued.

§ 11. (a) Creditable service of an employee whose continuity of employment has been interrupted for any reason other than misconduct, malfeasance, misfeasance or voluntary resignation and who subsequently reenters the service of the city shall be computed as follows:

If such employee has at least five years of creditable service at the time of such interruption and he reenters the service of the city within twenty-four months from the date thereof, or if such employee has less than five years of creditable service at the time of such interruption and he reenters the service of the city within twelve months from the date thereof, he shall be entitled to credit for service prior to the date of interruption.

(b) In all other cases such employee shall be entitled to credit only from the date he reenters the service of the city.

§ 12. Any employee may retire at any time after having attained the age of sixty-five years, and after not less than fifteen years of creditable service as an employee of the city. Whenever the city deems it to be in the public interest it may, with his consent, recall to active service, any retired employee of the city, provided, however, that no employee shall be retained after attaining the age of seventy years. No person, employed after July one, nineteen hundred fifty-eight, having less than fifteen years creditable service at the time he attains the age of sixty-five years shall be eligible for the benefits provided by this chapter.

§ 13. Any employee who has fifteen or more years creditable service may, at any time prior to attaining the age of sixty-five years, retire on account of permanent physical disability upon written notification to the committee accompanied by a certificate from a physician that such employee is physically incapacitated for the further performance of duty; that such incapacity is likely to be permanent; and that such employee should be retired. The committee may require such employee to submit to an examination by a physician of its choosing. Such retirement shall, in each case, be subject to the approval of the council. In the event of retirement of an employee under the provisions of this section, no payment shall be made to such employee until he attains the age of sixty-five years.

§ 14. Any employee retiring under the provisions of this chapter shall, after retirement and so long as he may live, be paid monthly out of the pension fund an amount equal to one per centum of his average final compensation plus two dollars for each year of creditable service provided that no benefits payable hereunder shall be less than twenty-five nor more than one hundred dollars per month. Such payments shall commence in the month following retirement.

§ 15. The provisions of this chapter shall apply to any employee who retired prior to July one, nineteen hundred fifty-eight notwithstanding that he may have had less than fifteen years of creditable service at the time of such retirement.

2. An emergency exists and this act is in force from its passage.

CHAPTER 144

An Act to amend the Code of Virginia by adding a section numbered 16.1-43.2, to permit the governing bodies of certain counties to supplement the salaries of judges of county courts.

[H 289]

Approved March 2, 1960

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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 16.1-43.2 as follows:

§ 16.1-43.2. In any county adjoining a city lying wholly within this State having a population of two hundred thirty thousand or more and having the executive, manager, or other optional form of government in operation, the governing body of such county may supplement the salaries of the judges of the county courts. Nothing in this section shall affect the salaries paid to such judges by the State.

CHAPTER 145

An Act to amend and reenact § 15-688, as amended, of the Code of Virginia, relating to land which may be owned by counties.

[H 331]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-688, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-688. The board of supervisors of any county may, if they deem expedient, acquire, in addition to the two acres of land aforementioned, as much as twenty acres of land at any point within their county to be used for county purposes, and in counties having a density of population of three hundred or more per square mile, in counties adjoining a county having a population of more than one thousand per square mile, and in counties having a population of not less than * *forty* thousand nor more than * *seventy* thousand, and adjoining * *three* cities within this State, one of which cities has a population of * *two* hundred and * *twenty-five* thousand or more, as much as *one hundred* fifty acres for county purposes including the use of the local board of health, and for such other purposes as the governing bodies of such counties may deem to be necessary, and in counties having a population of more than fifty-six thousand five hundred but less than sixty-five thousand and adjoining a city with a population of more than two hundred twenty-five thousand, as much as one thousand acres for county purposes and for such other purposes as the board of supervisors may deem necessary.

CHAPTER 146

An Act to amend and reenact § 17-79, as amended, of the Code of Virginia, relating to indexes in clerks' offices.

[H 443]

Approved March 2, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 17-79, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 17-79. (1) There shall be kept in every clerk's office modern, family name or ledgerized alphabetical key-table general indexes to all deed books, miscellaneous liens, will books, judgment dockets and court order books. The clerk shall enter therein daily with pen and ink or typewriter all instruments admitted to record, indexing each instrument in the names

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of all parties appearing therein who are thereby shown to be affected by the instrument.

(2) A deed made to one or more trustees to secure * the payment of an indebtedness shall be sufficiently indexed if the clerk shall enter in the appropriate places in the general index to deeds provided for in paragraph (1) the names of the grantor and the name of the beneficiary * *or, in lieu of the name of the beneficiary, the first listed trustee* as grantee.

(3) A deed made by a person in a representative capacity, or by devisees or coparceners, shall be indexed in the names of the parties and the name of the former record title owner, shown by the instrument.

(4) The general indexes of law and chancery causes shall be sufficiently kept if the clerk shall index such causes under the short style or title thereof, except that in multiple suits brought under § 58-1107, the names of all of the defendants disclosed by the pleadings shall be entered in said general index book.

(5) Every deed of conveyance of real estate in which a vendor's lien is reserved shall be double indexed so as to show not only the conveyance from the grantor to the grantee in the instrument, but also the reservation of the lien as if it were a grant of the same from the grantee to the grantor by a separate instrument and the fact of the lien shall be noted in the index.

(6) All deed books, miscellaneous liens, will books, judgment dockets and court order books shall be numbered or otherwise adequately designated and the clerk upon the delivery of any writing to him for record required by law to be recorded shall duly index it upon the general index in the manner hereinbefore required and when the writing has been actually transcribed on the book shall add to the general index the number of the book in which, and the page on which, the writing is recorded.

(7) The clerk on receipt of any such writing for record may immediately index it in a book to be known as the "daily index of instruments admitted to record" and within ninety days after its admission to record the clerk shall index all such writings indexed in the daily index in the appropriate general index as hereinbefore provided. The daily index book shall, at all times, be kept in the office of the clerk and conveniently available for examination by the public. During the period permitted for transfer from the daily index to the general index, indexing in the daily index shall be a sufficient compliance with the requirements of this section as to indexing.

(8) The judge of any court of record in term or in vacation may make such order or orders as he may deem advisable as to the time and method of indexing the order books in the clerk's office of the court and may dispense with a general index for order books of the court.

CHAPTER 147

An Act to amend and reenact § 30-5, as amended, of the Code of Virginia, relating to continuance or extension of time for filing pleadings where party or attorney is an officer or member of the General Assembly so as to extend the provisions thereof to employees of the General Assembly and the Division of Statutory Research and Drafting.

[S 220]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 30-5, as amended, of the Code of Virginia, be amended and reenacted as follows:

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§ 30-5. Any party to an action or proceeding in any court, including the Supreme Court of Appeals of Virginia, commission or other tribunal having judicial or quasi judicial powers or jurisdiction, who is an officer, *employee* or member of the General Assembly, *or employee of the Division of Statutory Research and Drafting,* or who has, prior to or during the session of the General Assembly, employed or retained to represent him in such action or proceeding an attorney who is an officer, *employee* or member of the General Assembly, *or employee of the Division of Statutory Research and Drafting,* shall be entitled to a continuance as a matter of right during the period beginning thirty days prior to the commencement of the session and ending thirty days after the adjournment thereof; and the period required by any statute or rule for the filing of any pleading or the performance of any act relating thereto shall be extended until thirty days after any such session. The failure of any court, commission or other tribunal to allow such continuance when requested so to do or the requiring of such filing or act during the period hereinabove specified shall constitute reversible error; provided that this section shall not prevent the granting of temporary injunctive relief, or the dissolution or extension of a temporary injunction, but the right to such relief shall remain in the sound discretion of the court or other such tribunal.

2. An emergency exists and this act is in force from its passage.

CHAPTER 148

An Act to amend and reenact § 1, as amended, of Chapter 506 of the Acts of Assembly of 1950, approved April 7, 1950, which was incorporated by reference by § 18-147.1 of the Code of Virginia, relating to the carrying of loaded firearms on highways in certain counties.

[H 5]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1, as amended, of Chapter 506 of the Acts of Assembly of 1950, approved April 7, 1950, which was incorporated by reference by § 18-147.1 of the Code of Virginia, be amended and reenacted as follows:

§ 1. In any county having a population in excess of three thousand five hundred but not in excess of four thousand and in any county having a population in excess of four thousand five hundred but not in excess of four thousand seven hundred, *and in any county having a population in excess of twenty-one thousand two hundred but not in excess of twenty-one thousand three hundred, and in any county having a population of more than thirteen thousand but less than fourteen thousand,* and in any county having a population in excess of twelve thousand three hundred but not in excess of twelve thousand seven hundred, it shall be unlawful for any person to carry or have in his possession while on any part of a public highway a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking. Any person violating any provision of this act shall be fined not less than ten dollars nor more than fifty dollars.

2. An emergency exists and this act is in force from its passage.

CHAPTER 149

An Act to amend and reenact § 65-4, as amended, of the Code of Virginia,

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relating to definition of employee for workmen's compensation purposes.

[H 26]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 65-4, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 65-4. Unless the context otherwise requires "employee" includes every person, including a minor, in the service of another under any contract of hire or apprenticeship, written or implied, except one whose employment is not in the usual course of the trade, business, occupation or profession of the employer; and as relating to those so employed by the State the term "employee" includes the officers and members of the National Guard, the Virginia State Guard and the Virginia Reserve Militia, registered members on duty or in training of the United States Civil Defense Corps of this State, the forest wardens, and all other officers and employees of the State, except only such as are elected by the people or by the General Assembly, or appointed by the Governor, either with or without the confirmation of the Senate, provided that this exception shall not apply to any "State employee" as defined in paragraph (5) of § 51-111.10 nor to members of the Industrial Commission and the State Corporation Commission, nor to the Superintendent of State Police; as relating to municipal corporations and political divisions of the State, the term "employee" includes all officers and employees thereof, except such as are elected by the people or by the governing body of the municipal corporation or political division, who act in purely administrative capacities and are to serve for a definite term of office. Policemen and firemen, except policemen and firemen in cities containing more than two hundred thirty thousand inhabitants, and sheriffs and their deputies, town and city sergeants and town and city deputy sergeants, county and city commissioners of the revenue, county and city treasurers, attorneys for the Commonwealth, clerks of courts of record, *juvenile and domestic relations courts* and county and municipal courts, and their deputies, officers and employees, shall be deemed to be employees of the respective cities, counties or towns in which their services are employed and by whom their salaries are paid or in which their compensation is earnable. Any reference to an employee who has been injured shall, when the employee is dead, include also his legal representative, dependents and other persons to whom compensation may be payable. For the purpose of this Act the average weekly wage of the noncommissioned officers and members of the National Guard, the Virginia State Guard and the Virginia Reserve Militia, registered members on duty or in training of the United States Civil Defense Corps of this State, and forest wardens, shall be deemed to be such amount as will entitle them to the maximum compensation payable under this Act; provided, however, that any award entered under the provisions of this title on behalf of officers, noncommissioned officers or members of the National Guard, or their dependents, or registered members on duty or in training of the United States Civil Defense Corps of this State or their dependents, shall be subject to credit for benefits paid them under existing or future federal law on account of injury or occupational disease covered by the provisions of the Virginia Workmen's Compensation Act.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 150

An Act to amend and reenact § 58-286 of the Code of Virginia, relating to license taxation of an auctioneer, and to repeal §§ 54-793, 54-794, 58-285, 58-287, 58-288 and 58-288.1, relating, respectively, to account of sales and statements required of certain auctioneers, authority of an auctioneer to sell and do certain acts, classification of auctioneers, and license taxes required of livestock auctioneers, tobacco auctioneers and auctioneers for livestock markets.

[H 73]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-286 of the Code of Virginia be amended and reenacted as follows:

§ 58-286. Any person licensed as * *an* auctioneer may sell by auction any property not prohibited by law. * *An* auctioneer shall pay *for a license* the sum of * *seventy-five* dollars. * *Such license shall be valid throughout the State as a State license. Such license shall not be issuable quarterly, nor shall the tax thereon be subject to proration, nor shall it authorize anyone to sell by auction except the individual to whom it is issued; provided, however, that any such person who begins such business on or after July first of any calendar year may be licensed for the residue of that calendar year on the payment of a license tax of thirty-seven dollars and fifty cents. Any licensed auctioneer who buys and sells on his own account is not relieved of any license tax imposed by law on a person who buys and sells on his own account. Nothing in this section shall be construed as exempting from any tax imposed by law anyone for whom an auctioneer sells.*

2. That §§ 54-793, 54-794, 58-285, 58-287, 58-288, and 58-288.1 of the Code of Virginia are hereby repealed.

3. This act shall be in force on and after January first, nineteen hundred sixty-one.

CHAPTER 151

An Act to amend and reenact Chapter 38 of the Acts of Assembly of 1950, approved February 22, 1950, which chapter was incorporated by reference in the Code of Virginia by § 46.1-253, and which authorized counties having a density of population in excess of two thousand per square mile to provide for the installation of parking meters on designated State highways, streets and roads therein and provided penalties for violations of regulations thereunder.

[H 78]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That Chapter 38 of the Acts of Assembly of 1950, approved February 22, 1950, which was incorporated by reference in the Code of Virginia by § 46.1-253, be amended and reenacted as follows:

* § *1.* The governing body of any county having a density of population in excess of two thousand per square mile may by ordinance provide for the regulation of parking on State highways, streets and public roads within its limits designated in such ordinance, including the installation and maintenance of parking meters and requiring the deposit therein of coins of denominations to be prescribed in such ordinance, and the determination

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of the times during which vehicles may be parked. Such ordinance may authorize the county manager, chief of police or other designated officer of the county to classify vehicles with reference to parking and to designate the time, place and manner such vehicles may be allowed to park on such designated highways, streets and roads. *Such ordinance may further authorize such officer to designate the specific portions or areas of such highways, streets and roads upon which parking meters shall be installed and maintained.* Such ordinance may also prescribe penalties for failure to comply with the regulations established thereunder; provided, however, that parking shall not be regulated under the provisions of this act on any highways constructed and maintained by the State Highway Commission except in accordance with a plan for the regulation of parking thereon approved by the State Highway Commission.

CHAPTER 152

An Act to repeal §§ 15-870.1 and 15-873.1 of the Code of Virginia, relating respectively, to effective dates of certain decisions of, and appeals from, boards of zoning appeals.

[H 77]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 15-870.1 and 15-873.1 of the Code of Virginia are repealed.

CHAPTER 153

An Act to amend and reenact § 46.1-193 of the Code of Virginia, relating to maximum and minimum speed limits.

[H 157]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-193 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-193. No person shall drive any vehicle upon a highway of this State at a speed in excess of:

(a) *Sixty miles per hour on highways under the jurisdiction of the State Highway Commission or a city and specified in this paragraph and in accordance herewith if the vehicle is a passenger motor vehicle, passenger bus, United States post office bus, pick-up or panel truck not exceeding an actual gross weight of 5,000 pounds, or a motorcycle, or fifty miles per hour if the vehicle is a truck, road tractor, tractor-truck, or combination of vehicles designed to transport property and if the highway has four or more lanes, with the roadway for traffic traveling in one direction separated from the roadway for traffic traveling in the other direction by a physical barrier or an unpaved area; provided that for such highway such speed has been prescribed by the State Highway Commission after an engineering and traffic investigation. On any highway where such speed is prescribed the speeds shall be plainly indicated upon the highway by signs; and where the speed limit is indicated by posted signs, there shall be a prima facie presumption that such engineering and traffic investigation was made.*

(a-1) Except as hereinafter otherwise prescribed fifty-five miles per

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hour *on other highways* if the vehicle is a passenger motor vehicle, passenger bus, *United States post office bus,* pick-up or panel truck not exceeding an actual gross weight of 5,000 pounds, or a motorcycle;

(b) Forty-five miles per hour if the vehicle is a truck, road tractor, tractor-truck, or combination of vehicles designed to transport property or is a motor vehicle being used to tow a vehicle designed for self-propulsion or a house trailer;

(c) Thirty-five miles per hour if the vehicle is being used as a school bus carrying children;

(d) Forty-five miles per hour if the vehicle or combination of vehicles is operating under a special permit issued by the State Highway Commission in accordance with §§ 46.1-330 and 46.1-343. The State Highway Commission may, however, prescribe a speed limit of less than forty-five miles per hour on any permit issued in accordance with §§ 46.1-330 and 46.1-343;

(e) A speed lower than the speeds prescribed in paragraphs (a) through (d) of this section when such lower speed has been prescribed by the State Highway Commission * and is plainly indicated upon the highway by signs;

(f) And, irrespective of the type or use of the vehicle driven:

(1) Twenty-five miles per hour between portable signs or fixed blinking signs placed in the highway bearing the word "school" which word shall indicate that school children are present in the immediate vicinity. If the portion of the highway to be posted is within the limits of a city or town, such portable signs shall be furnished and delivered by such city or town. If the portion of the highway to be posted is outside the limits of a city or town such portable signs shall be furnished and delivered by the State Highway Department. It shall be the duty of the principal or chief administrative officer of each school or some responsible person designated by the school board to place such portable signs in the highway at the limits of the school property and remove such signs when their presence is no longer required by this subsection. Such portable or fixed blinking signs shall be placed in a position plainly visible to vehicular traffic approaching from either direction but shall not be placed so as to obstruct the roadway. Such portable signs shall be in position for 30 minutes preceding regular school hours and for 30 minutes thereafter and during such other times as the presence of children on such school property reasonably requires a special warning to motorists. Provided, however, the governing body of any city or town may, if the portion of the highway to be posted is within the limits of such city or town, decrease the speed limit provided in this subsection, and provided further that no such decrease in speed limit shall be effective unless such decreased speed limit is conspicuously posted upon the portable or fixed blinking signs required by this subsection,

(2) Twenty-five miles per hour in a business or residential district unless otherwise prescribed by the proper authorities of any city or town pursuant to the provisions of § 46.1-180,

(3) Thirty-five miles per hour in any city or town unless otherwise prescribed by the proper authorities of such city or town pursuant to the provisions of § 46.1-180,

(4) A speed higher or lower than those prescribed in subparagraphs (1) through (3) upon any highway maintained by the State Highway Department when such higher or lower speed is prescribed by the State Highway Commission based upon an engineering and traffic investigation and is plainly indicated upon the highway by signs;

(g) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law;

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(h) Whenever the State Highway Commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Commission or such local authority may determine and declare a minimum speed limit to be set forth on signs posted on such highway below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law *provided that such minimum speed limit shall not apply to a school bus carrying children;*

(i) Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in § 46.1-16.

CHAPTER 154

An Act to amend and reenact § 15-884 of the Code of Virginia, relating to the construction of zoning statutes applicable to certain counties.

[H 169]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-884 of the Code of Virginia be amended and reenacted as follows:

§ 15-884. Nothing in this article contained shall be construed as intended to authorize the impairment of any vested right; *provided, however, that in any county adjoining a city lying wholly in this State having a population of more than two hundred twenty thousand, reasonable regulations may be adopted by the board of supervisors of counties in which the provisions of this article apply for the gradual elimination of uses of land and buildings that do not conform to such regulations and restrictions.*

CHAPTER 155

An Act to amend and reenact § 2 of Chapter 18 of the Acts of Assembly of 1946, approved February 18, 1946, which provided a new charter for the town of Wytheville, the section relating to the council and mayor of the town, their election, term of office, organization, meetings, duties, and compensation.

[H 193]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2 of Chapter 18 of the Acts of Assembly of 1946, approved February 18, 1946, be amended and reenacted as follows:

§ 2. The government of the Town of Wytheville shall be vested in one body to be known as the council of the Town of Wytheville, which said body shall consist of five members, all of whom shall be residents and qualified voters of the town. The said council shall be elected, in the manner provided by law, as follows: At the regular municipal election to be held on the second Tuesday in June, nineteen hundred forty-six, five members shall be elected. The three members each of whom has received more votes in said election than either of the other two members shall serve as members of the council for terms of four years each. The remaining two members shall serve for terms of two years each. At the regular municipal election to be held on the second Tuesday in June, nineteen

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hundred forty-eight, and every four years thereafter, two councilmen shall be elected each for a term of four years beginning on the first day of September next following their election. At the regular municipal election to be held on the second Tuesday in June, nineteen hundred fifty, and every four years thereafter, three councilmen shall be elected each for a term of four years beginning on the first day of September next following their election. Each councilman elected as hereinabove provided shall serve for the term stated or until his successor shall have been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members. Vacancies in the council shall be filled for the unexpired term by a majority vote of the remaining members. The present council shall continue in office until the expiration of the terms for which they were respectively elected. The council shall, by ordinance, fix the time for their regular meetings. Special meetings shall be called by the clerk of the council upon request of the mayor or any three councilmen; reasonable notice of each special meeting shall be given each member of the council; no business shall be transacted at a special meeting except that for which the special meeting is called, except by a majority vote of all of the members of the council. The council shall elect one of its members to preside over its meetings, which said member when so elected shall be mayor of the Town of Wytheville. The council shall also elect one of its members as vice-mayor, who shall perform the duties and functions of the mayor when the mayor is absent or otherwise unable to perform. In addition to their other duties, the mayor, vice-mayor, town manager and all members of the council shall be ex-officio conservators of the peace within the town and within one mile of the corporate limits thereof. The mayor shall be the official head of the government of the town and shall perform such services as he may be directed by the council to perform or as may be necessary or proper, and *the mayor and the other members of the council* shall receive such compensation as the council may provide*; provided, however, that the annual compensation of members of the council other than the mayor shall not exceed six hundred dollars.* The mayor, or, in his absence or inability to perform, the vice-mayor, shall have jurisdiction for the trial of all violations of all ordinances of the Town of Wytheville, and collection of town taxes or assessments, or any other debts due and owing to said town, and to issue warrants and summons witnesses; provided a resolution is adopted by a majority of the members of the council giving right and authority in this connection.

2. An emergency exists and this act is in force from its passage.

CHAPTER 156

An Act to amend and reenact §§ 46.1-255, 46.1-256, 46.1-265, 46.1-267, 46.1-268 and 46.1-287 of the Code of Virginia, relating to regulation of flares, reflectors and other signals for stopped vehicles and to other lights required on vehicles.

[H 199]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-255, 46.1-256, 46.1-265, 46.1-267, 46.1-268 and 46.1-287 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-255. Whenever any bus or truck is disabled and stops upon any portion of the traveled portion of any highway in this State, except

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within the corporate limits of cities or upon streets or highways which are artificially lighted at night, at any time during which lights are required upon motor vehicles by § 46.1-268 the operator of such bus or truck shall place or cause to be placed on the roadway three *red reflector* flares or torches of a type approved by the Superintendent. One of the flares *or torches* shall be placed in the center of the lane of traffic occupied by the disabled bus or truck and not less than one hundred feet therefrom in the direction of traffic approaching in that lane, one not less than one hundred feet from such bus or truck in the opposite direction and one at the traffic side of such bus or truck not closer than ten feet from the front or rear thereof; provided, however, that if such bus or truck is disabled within five hundred feet of a curve or crest of a hill, or other obstruction to view, the flares *or torches* in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

§ 46.1-256. If any such vehicle is used for the transportation of inflammable liquids in bulk, whether loaded or empty or for transporting inflammable gases, red reflector flares or red electric lanterns of a type approved by the Superintendent of State Police shall be used *. Such reflectors or lanterns shall be lighted and placed upon the roadway in the manner provided * *in the preceding section.*

§ 46.1-265. *(a)* All motor vehicles, trailers or semitrailers exceeding seven feet in height or in width or the widest portion of which extends four inches beyond the front fender extremes shall be equipped with lamps mounted at the extreme right and left hand front top corners of such vehicle, each of which lamps shall be capable of projecting an amber light visible in clear weather for a distance of at least five hundred feet to the front of such vehicle, and shall be equipped with lamps mounted at the extreme right and left hand rear top corners of such vehicle, each of which lights shall be capable of projecting a red light visible in clear weather for a distance of at least five hundred feet to the rear of such vehicle. If the front or the rear of such vehicle shall not be the widest portion of such vehicle the dimension or marker lights required in this section shall be mounted on the widest portions of the vehicle with the amber lights herein required visible from the front as herein required and the red lights herein required visible from the rear as herein required. The lamps herein required shall be of a type that has been approved by the Superintendent.

(b) In addition to the lamps required herein, each such vehicle shall be equipped with amber reflectors located on the side thereof, at or near the front. Red reflectors shall be used on the rear of each such vehicle. Such reflectors shall be securely fastened to the vehicle not less than twenty-four inches and not more than sixty inches from the ground, provided that in the case of a vehicle which is less than twenty-four inches in height such reflector shall be securely fastened thereto at the highest point the structure of a vehicle will permit. The reflectors required herein shall be of a type that have been approved by the Superintendent.

(c) If any vehicle is so constructed as to make compliance with the requirements of this section impractical, the lamps and reflectors required herein shall be placed on the vehicle in accordance with the Superintendent's regulations; however, the requirement of reflectors shall not apply to school buses unless used during the time that lights are required under § 46.1-268 of the Code of Virginia, as amended.

§ 46.1-267. Any motor vehicle may be equipped with not to exceed two fog lamps, one passing lamp, one driving lamp, two side lamps of not more than six candle power; interior light of not more than fifteen candle power; vacant or destination signs on vehicles operated as public carriers, and signal lamps.

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Any police vehicle, fire department vehicle, *school bus,* ambulance, any rescue vehicle whether publicly or privately owned used for emergency calls, and any vehicle used for the principal purpose of towing disabled vehicles or in constructing, maintaining and repairing public highways or utilities on or along public highways, may be equipped with flashing, blinking or alternating warning lights of a type approved by the Superintendent. The Superintendent may limit the number of vehicles to be equipped with such warning lights owned by any one department, association or person.

In addition to the foregoing, the Superintendent, upon application of the chief of any volunteer fire department, may issue permits to not more than three members of any volunteer fire department, designated by the chief in such application, to equip one privately owned vehicle each with warning lights for use in emergency calls.

No motor vehicle shall be operated on any highway which is equipped with any lighting device other than lamps required or permitted in this article or required or permitted by the Superintendent.

§ 46.1-268. (a) Every vehicle upon a highway within this State shall display lighted lamps and illuminating devices as required by this article from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons * *or* vehicles on the highway are not clearly discernible at a distance of 500 feet.

(b) Not more than four lamps used to provide general illumination ahead of the vehicle, including at least two head lamps and any other combination of fog lamps, passing lamp, driving lamp or other auxiliary lamp approved by the Superintendent shall be lighted at any time. Provided, however, this limitation shall not preclude the display of such warning lights as may be authorized in § 46.1-267, nor such lights as may be authorized by the Superintendent for purposes of identification, other than warning lights.

(c) Vehicles equipped with warning lights authorized in § 46.1-267 shall display such lights at all times when engaged in emergency calls, and if engaged in towing disabled vehicles or in constructing, repairing and maintaining public highways or utilities on or along public highways, such lights shall be displayed during the periods prescribed in paragraph (a).

§ 46.1-287. (a) * *Every* bus *used for the principal purpose of transporting school children shall* be equipped with a warning device of such type as may be prescribed by the State Board after consultation with the Superintendent of State Police. Such a warning device shall indicate when such bus is stopped, is about to stop, and when it is taking on or discharging children. Such warning device shall be used and in operation for a distance of not less than one hundred feet before any proposed stop of such bus if the lawful speed limit is less than thirty-five miles per hour, and for a distance of at least two hundred feet before any proposed stop of such bus if the lawful speed limit is thirty-five miles per hour or more.

(b) Any person operating such bus who fails or refuses to equip such vehicle being driven by him with such equipment, or who fails to use such warning devices in the operation of such vehicle shall be guilty of a misdemeanor, and shall on conviction be fined not less than five dollars nor more than twenty-five dollars.

CHAPTER 157

An Act to amend and reenact § 46.1-351 of the Code of Virginia, relating to driving without a license and the punishment therefor and to the

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furnishing of financial responsibility as a condition of restoration of license.

[H 200]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-351 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-351. (a) No person resident or nonresident whose operator's or chauffeur's license or instruction permit has been suspended or revoked by any court or by the Commissioner or by operation of law pursuant to the provisions of this title or of § 18-77 or who has been forbidden as prescribed by law by the Commissioner, the State Corporation Commission, the State Highway Commissioner, or the Superintendent of State Police, to operate a motor vehicle in this State shall drive any motor vehicle in this State during any period wherein the restoration of license or privilege is contingent upon the furnishing of proof of financial responsibility, unless he has given proof of financial responsibility in the manner provided in Article 6 (§ 46.1-467 et seq.) Chapter 6 of this title.

(b) Any person violating this section shall upon conviction therefor be punished by imprisonment for not less than * *ten* days nor more than six months or be fined not less than * *fifty* dollars nor more than five hundred dollars, or be punished by both such fine and imprisonment.

CHAPTER 158

An Act to amend and reenact §§ 4 and 23 as amended, § 23-e, § 32 as amended, §§ 46, 46-a and 47, § 2 of Chapter X and § 5 as amended of Chapter XII of Chapter 157 of the Acts of Assembly of 1908, approved March 10, 1908, which provided a charter for the city of Portsmouth, and to amend said chapter by adding to Chapter IX thereof, a section numbered 1-a, the amended and new sections relating, respectively, to election and terms of members of the council; powers of the city; election and terms of members of the planning commission; payment of taxes; duties and powers of the city treasurer; collection of taxes; lists of uncollected taxes; effective date of certain ordinances; qualifications for employment; and jurisdiction of certain courts.

[H 208]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 4 and 23 as amended, § 23-e, § 32 as amended, §§ 46, 46-a and 47, § 2 of Chapter X and § 5 as amended of Chapter XII of Chapter 157 of the Acts of Assembly of 1908, approved March 10, 1908, be amended and reenacted and that said chapter be amended by adding to Chapter IX thereof a section numbered 1-a as follows:

Ch. I. § 4. *

The Councilmen * shall be elected at large *and* shall hold office for terms of four years each beginning on the first day of * *July* next following the date of their election and until their successors are duly elected and qualified. * *Four of the Councilmen shall be elected in the general election to be held in June of nineteen hundred sixty and every four years thereafter. Three of the Councilmen shall be elected in the general election to be held in June of nineteen hundred sixty-two and every four years*

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thereafter. Provided, however, the terms of those Councilmen now in office whose terms would otherwise extend until September one, nineteen hundred sixty, shall expire on July one, nineteen hundred sixty, and the terms of those Councilmen now in office whose terms would otherwise extend until September one, nineteen hundred sixty-two, shall expire on July one, nineteen hundred sixty-two.

Ch. III. § 23. * *The powers set forth in §§ 15-77.5 through 15-77.70, inclusive, of the Code of Virginia, as in force on January one, nineteen hundred and sixty, are hereby conferred on and vested in the city of Portsmouth.*

Ch. III. § 23-e. The members of the Planning Commission created under the provisions of general law *hereafter shall be elected by the council and* shall serve for such term as may be ordained by the council within the limits of general law, except that the council may by ordinance prescribe shorter terms, for any member or members of the Planning Commission thereafter * *elected*, for the purpose of staggering the terms of office so that the terms of some member or members shall commence each year, but subsequent terms served by such member or members or their successors in office shall be of the same length as the terms served by other members of the Planning Commission.

Each ex officio member of the Planning Commission shall serve on the Planning Commission during the tenure of his official position, except that his term in no event shall exceed in length the regular term of membership on the Commission of the * *elected* members.

Ch. IV. § 32. For the execution of its powers and duties, the city council may raise annually, by taxes and assessments in said city, such sums of money as they shall deem necessary to defray the expenses of and for the purposes of said city, and in such manner as they shall deem expedient, in accordance with the laws of this State and of the United States; provided, however, that they shall impose no tax upon the bonds of said city. Said taxes shall be equal and uniform upon the same class of subjects within said city. The city council may, by ordinance, provide for the collection of said taxes and levies on property in annual or equal semi-annual *or quarterly* installments at such times and with penalties for non-payment on time, and with interest from such date as may be fixed by ordinance.

The said council may also provide by ordinance for the prepayment of such taxes during the preceding twelve months prior to the time the same become due, and shall allow interest at the rate of six per centum upon such prepayment to such date notwithstanding that the taxes for such year have not been levied or that the tax rate has not been fixed.

Ch. IV. § 46. The city council may vest in the city * *treasurer* any and all powers which are now, or may hereafter be vested in any collector of State taxes, for the purpose of collecting the city taxes and other assessments or levies which the council is authorized to make, and may prescribe the mode of his proceedings, and the mode of proceedings against him for failure to perform his duties.

Ch. IV. § 46-a. The payment of any taxes to the city of Portsmouth, both those which have been assessed and those which ought to have been assessed, may in addition to any remedies otherwise allowed by law, be enforced by warrant, motion, action of debt or assumpsit, bill in chancery, or by attachment before justices of the peace, civil and police justices and courts of record within this State in the same manner, to the same extent and with the same rights of appeal, as now exist or may hereafter be provided by law for the enforcement of demands between individuals.

Such proceedings shall be instituted and conducted in the name of the city of Portsmouth at the request of the city council or the city * *treasurer*. Any bill in chancery for the enforcement of a lien of taxes against land

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may be brought in the corporation or circuit court of the city and in such proceedings the property may be sold for the payment of the taxes due thereon, and such lien shall be superior to any other lien or encumbrance upon the property or to any claim of dower or curtesy, and it shall not be necessary to allege or prove any equitable grounds of jurisdiction.

The remedies provided in this section shall be in addition to any other remedies provided by law for the collection of taxes, and this section shall not be construed to repeal any other provisions of law.

Ch. IV. § 47. The city * *treasurer,* after using due diligence to collect said levies, shall make out a list of such as cannot be collected, upon forms similar to those prescribed in * § *58-980 of the Code of Virginia.*

Ch. IX. § *1-a. Notwithstanding any other provision of this chapter, the city council may provide by ordinance for the division of the jurisdiction and functions of the civil and police justice herein mentioned so that provision may be made for two or more judges, clerks and court rooms. Such ordinance shall either divide between the said judges the jurisdiction and functions mentioned in this chapter or provide that any or all of such jurisdiction and functions shall devolve upon one or more courts conforming to the provisions of Title 16.1 of the Code of Virginia; provided, however, that whenever the provisions of this section shall become operative, the judge and associate judge of the juvenile and domestic relations court of the city shall be appointed by the judge of the Court of Hustings.*

Ch. X. § 2. No ordinance passed by the council, unless (a) otherwise required by the general laws of the State, or (b) an ordinance immediately necessary for the preservation of the public morals, health or safety, and which contains a statement of such immediate necessity and is passed by at least a * *recorded affirmative vote of four of the seven members elected to* the council, shall go into effect until thirty days after its final passage. If at any time during said thirty days a petition signed by electors equal in number to at least twenty per centum of the electors voting for governor at the last preceding gubernatorial election, protesting against the enactment of such ordinance and requesting its repeal, or requesting its adoption in a proposed amended form, be presented to the council, such ordinance shall thereupon be suspended from going into effect, and it shall be the duty of the council to reconsider such ordinance. If upon reconsideration thereof, said ordinance is not entirely repealed, if so requested, or adopted in the amended form, as proposed, the council shall submit the question of the repeal, or the adoption of the ordinance in its proposed amended form, in the manner provided by (a) of section one of this act; if the repeal of such ordinance was requested, such ordinance shall not go into effect unless a majority of the electors voting thereon at such election shall vote against its repeal; if the amendment of said ordinance was proposed, the ordinance shall become effective in its proposed amended form if such majority vote is cast in favor thereof, but if not such ordinance shall become effective in the form as enacted by the council.

No resolution of the council appropriating money other than for the regular payrolls, or incurring or providing for the incurring of any expense or disposing of any property or rights of the city, shall become effective until thirty days after its adoption; and its operation shall be suspended, and it shall be reconsidered and submitted to the electors, in the same manner as in this section provided with respect to an ordinance.

Petitions hereunder shall conform substantially to the requirements of article one hereof as to signatures, verification and authentication, and the presentation, presumption of sufficiency, and summary review thereof, shall be as provided in said article.

Ch. XII. § 5. (a) An applicant for * *an entrance examination* under civil service, must be a citizen of the United States of America and a voter of the city of Portsmouth, who can read and write the English lan-

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guage, and must have been a resident of said city for at least * *one* year; *or in the case of an applicant residing within territory which has been annexed by the city less than one year before such application, provided such applicant shall have resided therein not less than one year; provided, however, the civil service commission may reduce such residence requirements with respect to any examination to six months if in their opinion such reduction is necessary to secure sufficient qualified applicants.* In the discretion of the civil service commission, residence requirements may be waived only for technical and professional positions for which qualified applicants who are residents of the said city cannot be obtained. *

(b) An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

2. An emergency exists and this act is in force from its passage.

CHAPTER 159

An Act to amend and reenact § 46.1-197 of the Code of Virginia, relating to suspension of license upon conviction of violation of laws establishing maximum speed.

[H 219]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-197 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-197. When any person shall be * *convicted for the second and each subsequent time within the period of one year* of violating any law of this State which designates the maximum speed limit for the operation of motor vehicles and the judge or jury shall find *in each case* that such person exceeded the prescribed speed limit by more than five miles per hour, then in addition to any other penalties provided by law, the operator's permit of such person * shall be suspended for a period of sixty days. Nothing contained in this section shall apply to speed violations which occur in cities and towns. Nor shall the provisions of this section apply in any case unless the applicable legal speed limit is forty-five miles per hour or more. In case of conviction the court or judge shall require the delivery of the operator's permit to the court, where it shall be held in accordance with § 46.1-425. The provisions of §§ 46.1-418 and 46.1-438 shall not apply to any person whose license is revoked under the provisions of this section.

CHAPTER 160

An Act to amend chapter 538 of the Acts of Assembly of 1950, approved April 7, 1950, which provided a charter for the town of Purcellville by adding sections numbered 20.1 through 20.4, to provide for appointment, jurisdiction and compensation of issuing justices.

[H 269]

Approved March 3, 1960

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Be it enacted by the General Assembly of Virginia:

1. That chapter 538 of the Acts of Assembly of nineteen hundred fifty, approved April seven, nineteen hundred fifty, be amended by adding sections numbered 20.1 through 20.4 as follows:

§ 20.1. There is hereby created the office of issuing justice for the town of Purcellville.

§ 20.2. The council may appoint not later than its first meeting in September, nineteen hundred sixty, for the term to expire September one, nineteen hundred sixty-one, and thereafter the council may appoint at its first regular meeting in September nineteen hundred sixty-one and its first regular meeting in September every two years thereafter for terms of two years each, unless sooner removed by the council upon proven charge preferred for malfeasances, misfeasances, neglect of duty, or incompetence, two issuing justices who are qualified electors of the town and who already may be employees or officers of any department of the town, and who shall hold office until their successors are appointed and qualified.

§ 20.3. The issuing justices so appointed shall have power to issue warrants for violations of town ordinances; the power to issue subpoenas or other processes the same as could be issued by the police justice and the power to admit to bail in any case where the police justice could admit to bail, but any warrant, summons or process issued by such issuing justices for violation of a town ordinance shall be returnable before the mayor of the town.

Any vacancy may be filled by the council of the town for the unexpired term.

§ 20.4. Compensation shall be paid to any such issuing justices by the town as provided by the council. All costs collected shall be paid into the town treasury.

2. An emergency exists and this act is in force from its passage.

CHAPTER 161

An Act to amend and reenact § 57-26, as amended, of the Code of Virginia, relating to restrictions upon location of cemeteries, quantity of land which may be held, damages and exceptions.

[H 280]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 57-26, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 57-26. (1) Restrictions as to location.—No cemetery shall be hereafter established within *a county or* the corporate limits of any city or town, unless authorized by appropriate ordinance subject to any zoning ordinance duly adopted by the governing body of such county, city or town*; provided that authorization by county ordinance shall not be required for interment of the dead in any churchyard or for interment of members of a family on private property;* nor shall any cemetery be established within two hundred fifty yards of any residence without the consent of the owner of the legal and equitable title of the residence; provided that *subject to the foregoing* if the location for the proposed cemetery is separated from any residence by a State highway, it may be established upon such location without the consent of the owner of such residence if it be not less than two hundred fifty feet from the residence at its nearest point

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thereto; provided such prohibition and restriction shall not apply where the tract of land intended for use as a cemetery is separated from any residence by a State highway and now contains a public or private burial ground and is not within the corporate limits of any city or town; and no cemetery shall be hereafter established, and no burial made in any part of any cemetery, other than a municipal or city cemetery, located within three hundred yards of any property owned by any city, town or water company, upon which or a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply.

(2) Quantity of land.—Nothing contained in §§ 57-22 to 57-25 shall be so construed as to authorize a conveyance of more than three hundred acres or the condemnation of more than two acres of land for the use of a cemetery.

(3) Action for damages.—When damage is done to adjacent land by the establishment of such cemetery, whether established by purchase or condemnation, the owners whose lands have been damaged shall have a right to action for such damage against any person, firm, corporation, or municipality, establishing the cemetery; provided such action be instituted within one year from such establishment.

(4) Exceptions.—The prohibitions and restrictions as to the location or establishment of cemeteries shall not apply to the town of Stuart, in Patrick County, to the town of Gretna, in Pittsylvania County, to the town of Shenandoah in Page County, or to the Woodbine Cemetery in the city of Harrisonburg, Rockingham County. And if the location for the proposed cemetery be in Norfolk County it may be established on such location if consent thereto be given by the owners of every residence within two hundred fifty feet thereof at its nearest point to any such residence, or if the location for the proposed cemetery is separated from any such residence by a State highway it may be established upon such location without the consent of the owner of such residence if it be not less than one hundred fifty feet from the residence at its nearest point thereto.

2. An emergency exists and this act is in force from its passage.

CHAPTER 162

An Act to repeal §§ 24.09 to 24.13, both inclusive, of Chapter 141 of the Acts of Assembly of 1958, approved March 3, 1958, which chapter provided a new charter for the city of Newport News, the sections relating to the courts of record of the city of Newport News, commencing July 1, 1960.

[H 285]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.09 to 24.13, both inclusive, of Chapter 141 of the Acts of Assembly of 1958, approved March 3, 1958, are repealed.

2. An emergency exists and this act is in force from its passage.

CHAPTER 163

An Act to repeal §§ 25.03 and 25.04 and to amend and reenact § 25.07 of Chapter 141 of the Acts of Assembly of 1958, approved March 3,

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1958, which chapter provided a charter for the consolidated city of Newport News, the sections relating to the clerks' offices of the courts of record.

[H 286]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 25.03 and 25.04 of Chapter 141 of the Acts of Assembly of 1958, approved March 3, 1958, are repealed, and that § 25.07 of the aforesaid chapter be amended and reenacted as follows:

§ 25.07. Commencing on July 1, 1958, * the clerk's office of the Circuit Court, Part Two, of the consolidated city shall be and hereby is designated as the clerk's office of the consolidated city in which is to be recorded all of the documents authorized or required to be recorded by Article 3 and Article 3.1 of Chapter 2 of Title 17 of the Code of Virginia, 1950, as amended, in accordance with the manner therein set forth. * Provided, however, that the council of the consolidated city, on the advice of the clerks of the courts of record, approved by the judges en banc of the courts of record, may designate specific clerks' offices for the recordation of different classes of documents.

2. An emergency exists and this act is in force from its passage.

CHAPTER 164

An Act to amend and reenact §§ 10-8.1, 10-118, 10-119, and 10-130, as amended, of the Code of Virginia, relating to the divisions of the Department of Conservation and Economic Development, duties of Division of Industrial Development, Commissioner of Industrial Development, and relationship of such Division and Commissioner to the Advisory Council on the Virginia Economy, so as to change the titles of such Division and the Commissioner thereof to include the word "Planning".

[H 290]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 10-8.1, 10-118, 10-119, and 10-130, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 10-8.1. The Board shall establish in the Department of Conservation and Economic Development the following divisions through which the several functions of the Department and the corresponding powers and duties shall be exercised and discharged: Division of Forestry, Division of Mineral Resources, Division of Parks, Division of Water Resources, Division of Industrial Development *and Planning,* Division of Public Relations and Advertising, and such other divisions as may be necessary. The Director shall appoint competent persons to direct the work of such divisions, and may delegate to the head of any such division any of the powers and duties relating to the work of the division that may be conferred or imposed by law upon the Director, and in his discretion may require of such division heads proper bonds.

§ 10-118. In the Department of Conservation and Economic Development there shall be a Division of Industrial Development *and Planning,* which Division, under the Director and the Board, is charged with the responsibilities for carrying out all phases of the State's program in the field of industrial development including specifically the duty to (a) cooperate with the Division of Public Relations and Advertising in the

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preparation of an effective industrial advertising program and respond to inquiries resulting from the advertising program for new industries and received from other sources; (b) make available, in conjunction and cooperation with localities, chambers of commerce, and other private or public groups, to prospective new industries basic information regarding industrial sites, natural resources and labor supply, and other pertinent factors of interest and concern to such industries; and (c) formulate, promulgate and advance programs throughout the State for the purpose of encouraging the location of new industries in the State and the expansion of existing industries.

§ 10-119. There shall be a Commissioner who shall be the head and chief executive officer of the Division of Industrial Development *and Planning*. He shall be appointed by the Director and shall receive such compensation as may be provided by law for the purpose.

§ 10-130. The Division of Industrial Development *and Planning* shall serve the Council as its Secretariat or central administrative office and subject to the approval of the Director of Conservation and Economic Development shall furnish the Council with the necessary stationery and supplies and shall have done for the Council such printing as may be necessary.

CHAPTER 165

An Act to create a commission to determine and establish a part of the boundary line between Henry and Patrick counties; to prescribe its powers and duties; to provide for the filing of a description of such boundary when established, and the effect thereof; and to provide for the payment of certain costs.

[H 296]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby created a commission to ascertain, establish and proclaim a certain disputed portion of the boundary line between the counties of Henry and Patrick. The commission shall consist of three persons appointed by the judge of the seventh judicial circuit of whom one shall be a resident of one of the counties and two shall be residents of the other county.

§ 2. The commissioners so appointed shall determine the true and correct location of that part of the boundary between the counties of Henry and Patrick between the point where such boundary crosses State Highway Number 57 and the Philpott Dam. It shall, subject to the approval of the judge of the seventh judicial circuit, have authority to have any surveys or other investigations made as it shall deem necessary in order to establish such boundary.

§ 3. Upon the completion of its study the commission shall file in the clerk's office of the circuit courts of the counties of Henry and Patrick, in the office of the Secretary of the Commonwealth, and in the Virginia State Library, a description of the boundary established by it; and the boundary so described shall thereafter for all purposes be deemed to be the boundary between such counties between the points indicated therein.

§ 4. Any costs incurred by the commission shall be a charge against and paid by the governing bodies, in such proportion as shall be fixed by the judge of the seventh judicial circuit by orders entered in the clerks' offices of the circuit courts of the counties of Henry and Patrick.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 166

An Act to amend and reenact § 61 of Chapter 157 of the Acts of Assembly of 1908, approved March 10, 1908, which provided a charter for the city of Portsmouth, the amended section relating to the police force of the city, the duties of policemen of the city, and the power of the city council to provide additional compensation or equivalent vacation or time off to such policemen serving as witnesses in certain cases when not on regular period of duty.

[H 302]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 61 of Chapter 157 of the Acts of Assembly of 1908, approved March 10, 1908, be amended and reenacted as follows:

§ 61. The officers and privates constituting the police force of the city shall be, and they are hereby, invested with all the power and authority which now belong to the office of constable at common law in taking cognizance of, and in enforcing the criminal laws of the Commonwealth, and the ordinances and regulations of the city; and it shall be the duty of each and everyone of such policemen to use his best endeavors to prevent the commission, within the city, of offenses against the laws of the Commonwealth and against the ordinances and regulations of the city; and to observe and enforce all such laws, ordinances, and regulations; to detect and arrest offenders against the same; to preserve the good order of the city, and to secure the inhabitants thereof from violence and the property therein from injury. Such policeman shall have no power or authority in civil matters, but he shall in all other cases execute such warrant or summons as may be placed in his hands by any justice of the peace for the city, and shall make due return thereof. Such policeman shall not receive any fee or other compensation out of the treasury of the Commonwealth or the city for any service rendered under the provisions of this act other than the salary paid him by the city; * *provided, however, that for serving as a witness when not on a regular assigned period of duty in any case arising under the criminal laws of the Commonwealth, or under the ordinances or regulations of the city, such policeman may receive therefor in addition to his regular salary such compensation, or in lieu of such compensation, an increase equivalent thereto in vacation or time off from his regular period of duty, as shall be determined by the city council.* If, however, it shall become necessary or expedient for him to travel beyond the limits of the city in his capacity as a policeman or as a witness, he shall be entitled to his actual expenses, to be allowed and paid as is now provided by law for other expenses in criminal cases. Nothing in this act shall be construed as prohibiting a policeman from claiming and receiving any reward which may be offered for the arrest and detention of any offender against the criminal laws of this or any other Commonwealth or nation.

CHAPTER 167

An Act to amend and reenact § 15-557 of the Code of Virginia, relating to powers and duties of policemen of cities and towns, and their compensation in certain instances.

[H 303]

Approved March 3, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 15-557 of the Code of Virginia be amended and reenacted as follows:

§ 15-557. The officers and privates constituting the police force of cities and towns of the Commonwealth are hereby invested with all the power and authority which formerly belonged to the office of constable at common law in taking cognizance of, and in enforcing the criminal laws of the Commonwealth and the ordinances and regulations of the city or town, respectively, for which they are appointed or elected. And each and every one of such policemen shall use his best endeavors to prevent the commission within the city or town of offenses against the law of the Commonwealth and against the ordinances and regulations of the city or town; shall observe and enforce all such laws, ordinances and regulations; shall detect and arrest offenders against the same; shall preserve the good order of the city or town; and shall secure the inhabitants thereof from violence and the property therein from injury.

Such policeman shall have no power or authority in civil matters, but he shall in all other cases execute such warrants or summons as may be placed in his hands by any justice of the peace or trial justice for the city or town and shall make due return thereof.

Except as otherwise specifically provided in the charter of any city or town, such policeman shall not receive any fee or other compensation out of the State treasury or the treasury of the city or town for any service rendered under the provisions of this chapter other than the salary paid him by the city or town and a fee as a witness in cases arising under the criminal laws of the Commonwealth. And *except as otherwise specifically provided in the charter of any city or town,* such policeman shall not receive any fee as a witness in any case arising under the ordinances of his city or town; nor for attendance as a witness before any trial justice or justice of the peace in his city or town. If, however, it shall become necessary or expedient for him to travel beyond the limits of the city or town in his capacity as a policeman, he shall be entitled to his actual expenses, to be allowed and paid as is now provided by law for other expenses in criminal cases.

Nothing contained in this section shall be construed as prohibiting a policeman from claiming and receiving any reward which may be offered for the arrest and detention of any offender against the criminal laws of this or any other Commonwealth or nation.

2. An emergency exists and this act is in force from its passage.

CHAPTER 168

An Act to amend and reenact § 15-11, as amended, of the Code of Virginia, relating to the amount that any county board of supervisors may expend to promote agriculture.

[H 305]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-11, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-11. The board of supervisors of any county in this State may, out of the general county levy of the county, apply and expend annually a sum not exceeding two thousand five hundred dollars for the purpose of promoting agriculture in the county. *The term "promoting agriculture" shall include, without limiting the generality thereof, watershed projects*

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and expenditures in connection therewith for which purposes a county governing body may make expenditures without regard to the limit of two thousand five hundred dollars hereinabove provided for.

2. An emergency exists and this act is in force from its passage.

CHAPTER 169

An Act to amend and reenact § 2 of Chapter 590 of the Acts of Assembly of 1952, approved April 3, 1952, which provided a charter for the town of Emporia, the section relating to powers of the town.

[H 311]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2 of Chapter 590 of the Acts of Assembly of 1952, approved April 3, 1952, be amended and reenacted as follows:

§ 2. Enumeration of powers.—In addition to the powers elsewhere mentioned in this Charter and the powers conferred by the general laws and the Constitution, the said town of Emporia shall have the following powers:

(1) Annual tax levy; tax on town bonds.—To raise annually, by the levy of taxes and assessments in the town, on all such property, real and personal, as is now or may be subject to taxation by towns by the general laws of this State, such sums of money as the council thereof shall deem necessary for the purpose of the town, in such manner as the council shall deem expedient in accordance with the Constitution of this State and of the United States; provided, however, that it shall impose no taxes on the bonds of the town. *The levy shall not exceed four dollars on the one hundred dollars of value of such property.*

(2) Special and local assessments.—To impose special or local assessments for local improvements and enforce payment thereof, subject to such limitations prescribed by the Constitution and laws of the State as may be in force at time of the imposition of such special or local assessments.

(3) Capitation Tax.—To impose, in accordance with the provisions of the general law of the State, a tax not exceeding one dollar per annum upon all persons residing in town above the age of twenty-one, not exempt from the payment of State capitation tax.

(4) Debts, borrowing, etc.—To contract debts, borrow money and make and issue evidences of indebtedness.

(5) Expenditures.—To expend the money of the town for all lawful purposes.

(6) Acquisition, etc., of property.—To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein within or without the town, for any of the purposes of the town; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(7) Markets: hucksters, peddlers, junk dealers, etc.—To establish markets in the town and regulate the same, and to enforce such regulations at such markets in regards to the keeping and sales of fresh meat, vegetables, eggs and other green groceries and other articles of human consumption as may be deemed advisable; to make and enforce such regulations as shall be necessary to prevent huckstering, forestalling or regrating; to enforce such regulations as to hucksters, peddlers, junk dealers and dealers in secondhand articles as may be deemed expedient.

(8) Water supply.—To own, operate and maintain waterworks and

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to acquire in any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply for the town and piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of the town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the town and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the watershed, tributary to any such water supply wherever such land may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(9) Materials for use by town.—To acquire by gift, purchase, exchange or by the exercise of the powers of eminent domain within this State lands, or any interest or estate in lands, rock quarries, gravel pits, sand pits, water and water rights and the necessary roadways thereto, either within or without the town, and acquire and install machinery and equipment, and build the necessary roads or tramways thereto; and operate the same for the purpose of producing materials required for any and all purposes of the town; and to acquire, by purchase, exchange or by the exercise of the power of eminent domain within this State, lands, machinery and equipment, and build and operate a plant or plants for the preparation and fixing of materials for any and all purposes of the said town.

(10) Disposition of sewage, garbage, etc.—To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; to contract or regulate the collection and disposal thereof and to require and regulate the collection and disposal thereof.

(11) Weights and measures.—To inspect, test, measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license, and inspect weights, meters, measures and scales.

(12) Shows, circuses, etc.—To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or affairs, or prohibit the holding of the same, or any of them, within the town or within one mile thereof.

(13) Registration and licensing of motor vehicles.—To require every owner of motor vehicles residing in the town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the town, or such other person as may be designated by the council of the town, to issue such license, and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided, that such license fee shall not exceed the amount charged by the State on such machine.

(14) Public improvements.—To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise, all lands, riparian

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and other rights and easements necessary for such improvements, or any of them.

(15) Streets, sidewalks, etc.; parks, playgrounds, etc.; bridges, sewers, etc., shade trees; railroads and crossings; operation of vehicles.—To establish, enter, open, widen, extend, grade, improve, construct, maintain and clean public highways, streets, sidewalks, boulevards, parkways, and alleys, and to alter, vacate, or close the same; to establish and maintain parks, playgrounds, and public grounds; to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys, and highways, abolish and prevent grade crossings over the same by railroads in the manner prescribed by the general law for the elimination of grade crossings; to require any railroad company operating a railroad at a place where any highway or street is crossed within the town limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof, either or both, or keep a flagman at such crossing during such hours as the council may require in accordance with the general law of the state, and to regulate the length of time such crossing may be closed due to any operations of the railroads; to regulate, to the extent permitted by general law, the parking and operation of cars, and vehicles upon such streets and highways, as well as the speed of all engines, cars, and trains on railroads within the town; and to do all other things whatsoever adapted to make such streets and highways safe, convenient and attractive.

(16) Stadiums, swimming pools, recreation buildings, etc.—To construct in such parks, playgrounds, and public grounds, as it may maintain, or upon any town property, stadiums, swimming pools, and recreation or amusement buildings, structures, or inclosures of every character, refreshment stands, restaurants, etc.; to charge for admission, and use of the same, and rent out or lease the privileges of construction or using such stadiums, swimming pools, recreation or amusement buildings, structures, or inclosures of every character, refreshment stands, or restaurants, etc.

(17) Water and sewerage rates and charges.—To establish, impose, and enforce the collection of water and sewerage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented or furnished by the town, and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewerage rates and charges directly against the owner or owners of the buildings or against the proper occupant or occupants; and in event such rates and charges shall be assessed against an occupant or owner or owners then the council may by ordinance, require of such occupant or owner or owners a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such occupant, or owner or owners.

(18) Sewers and sewer connections.—To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require the abutting property owners to connect therewith and to establish, construct, maintain and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town, all lands, rights of ways, riparian and other rights, and easements necessary for the purposes aforesaid, and to charge, assess, and collect reasonable fees, rentals, assessments or cost of service for connecting with and using the same.

(19) Public utility franchises.—Subject to the provisions of the Constitution and general laws of Virginia and this Charter to grant franchises for public utilities.

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(20) Charges for permits for use of public facilities.—To charge and to collect fees for permits to use public facilities and for public services and privileges. The town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits.

(21) Nuisances; condition of premises; offensive or dangerous businesses, etc.; transportation through streets; smoke and dust; noise; stables; things detrimental to health; etc.; condition of sidewalks.—To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect such expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town, to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect such expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive businesses within the town, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, well-being, safety and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice and snow.

(22) Fires and fire prevention; regulation of building; fire limits.—To prevent or extinguish fires, and to establish, regulate, and control a fire department or division; to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls or other structures hereafter erected, in such manner as the public safety or conveniences may require; to remove or require to be removed or reconstructed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish or designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed to, added to, enlarged, or repaired and to direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(23) Explosives, flammables, fireworks, firearms, bonfires.—To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, gasoline, kerosene oil or other like materials, to the extent not prohibited by general law of the State; to regulate the exhibition of fireworks, the discharge of firearms, and the making of bonfires in the streets and yards.

(24) Health; foodstuffs; diseases; hospitals; department of health.—To provide for the preservation of the general health of the inhabitants of such town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in such town of any articles or thing intended for human consumption, which is adulterated, impure or other-

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wise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally; to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for such town, with the authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the public officers of the town have, to establish quarantine ground within or without the town, and establish such quarantine regulations against infectious and contagious diseases as the council may see fit, subject to the laws of the State and of the United States.

(25) Children, aged persons, etc.—To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(26) Speeding animals; throwing stones; dangerous or annoying employments; cruelty to animals.—To prevent the riding or driving of horses or other animals at an improper speed; to prevent the throwing of stones, or engaging in any sort of employment in public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(27) Motor vehicles carrying passengers for hire; automobiles, trucks and traffic.—To the extent permitted by general law of the State: To control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through such town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare.

(28) Acquisition, etc., of land to encourage commerce, etc.—To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town not exceeding at any one time five hundred acres in the aggregate, and from time to time to sell or lease the same or any part thereof for industrial or commercial uses and purposes.

(29) Burial places.—To provide in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, and to cooperate with any nonprofit corporation or association in the improvements and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof used in and about the perpetual upkeep and care of such lot or plot, for which such donation, gift, or bequest shall have been made.

(30) Police powers; police force.—To exercise full police powers and establish and maintain a police force, the members of which shall be vested with the powers of a conservator of the peace and shall have the same powers and duties as a sheriff within the corporate limits of the town and to the distance of one mile beyond the same, and such further jurisdiction as may be provided by the laws of the Commonwealth of Virginia.

(31) Paupers, dangerous persons, etc.—To prevent any person having no visible means of support, paupers, and persons who may be dan-

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gerous to the peace and safety of the town, from coming to such town from without the same; and also to expel therefrom any such person who has been in such town less than twelve months.

(32) Drunkards, vagrants, beggars; riots, etc.; houses of ill-fame and gambling houses; lewd, etc., exhibitions.—To restrain and punish drunkards, vagrants and street beggars, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in such town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

(33) Damage to property.—To prohibit and punish mischievous, wanton, or malicious damage to school and public property, as well as private property.

(34) Minors in poolrooms, etc.—To prohibit minors from frequenting, playing in or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same or any minors violating such a regulation.

(35) Working prisoners; use of county jail.—To compel persons sentenced to confinement in the jail of the town for any misdemeanor or other violation of the laws or ordinances of the town to work on the public streets, parks or other public works of the town; and on the requisition of the mayor or other person acting as judge in the trial of violations of the town ordinances, it shall be the duty of the jailer to deliver such person to the sergeant of the town who shall deliver such person to the duly authorized agent of the town of such purposes from day to day as he may be required. For the purpose for carrying into effect the police regulations of the town, the town shall be allowed to use the county jail of Greensville County, for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town.

(36) Rewards.—To offer and pay rewards for the apprehension and conviction of criminals.

(37) Street names.—To give names to or alter the names of the streets.

(38) Plan for town; approval of subdivision plats.—To make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town or within one mile thereof, into streets, alleys, roads and lots or tracts shall be submitted to and approved by the council before such plats or replats are filed for record or recorded in the office of the Clerk of Greensville County, Virginia.

(39) Municipal supply of electricity and gas.—To own, operate and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas whether the same be generated or purchased by such town, to its customers and consumers both without and within the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

(40) Inspection of meat and milk; slaughterhouses.—To provide by ordinance for a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to prohibit, license, regulate, control and locate slaughterhouses within or without the corporate limits of the town, and for such services of inspection to make reasonable charge therefor; and to provide such reasonable penalties for the violation of such ordinances.

(41) Poles and wires.—To regulate, permit or prohibit poles and wires for electric, telephone and telegraph purposes to be erected and gas pipes to be laid in the streets and alleys, and to prescribe and collect

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annual charges for such privileges, heretofore or hereafter granted; to require the owner or lessee of an electric light, telephone or telegraph pole, or poles, or wires, now in use or hereafter erected, to change the location or move the same; to prescribe rules and regulations for the construction and use of conduits containing telephone and telegraph wires and all wires and cables carrying electricity.

(42) Contracts as to water system and sewerage system.—To negotiate and contract with any person, firm, corporation, municipality, or sanitary district with regard to the connections of any water system or sewerage system owned or operated by the town with any other system or systems now in operation or hereafter to be established, within or without the corporate limits and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such systems within or without the town.

(43) Ordinances, etc., effecting powers of town.—To pass and enforce all by-laws, rules, regulations and ordinances, not inconsistent with the laws of this State, which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens of their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity, or jurisdiction, which is or shall be granted to or vested in such town, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation.

(44) Injunction of violation of ordinance, etc.—To enjoin and restrain the violation of any such by-law, rule, regulation or ordinance although a penalty is provided upon conviction of such violation.

(45) Penalty for violation of ordinance, etc.—To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars or twelve months' imprisonment in jail, or both.

(46) General welfare, comfort, etc.—To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants.

2. An emergency exists and this act is in force from its passage.

CHAPTER 170

An Act to amend and reenact § 29-202, as amended, of the Code of Virginia, relating to compensation for poultry and livestock killed by dogs.

[H 335]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-202, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-202. Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation therefor a reasonable value of such livestock or poultry; provided that in the counties of Fauquier, Giles, *Smyth, Wythe,* Halifax, Pittsylvania, Washington, Russell, Tazewell, Patrick, Rockbridge, Fairfax, Carroll, Floyd and Grayson, the governing body may compensate the claimant upon the basis of the assessed value of such livestock and the fair value of unassessed lambs and poultry, but in no event to exceed the reasonable value

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thereof. Nothing herein shall be construed as limiting the common law liability of an owner of a dog for damages committed by it, and when compensation is paid as above provided, the county or city shall be subrogated to the extent of compensation paid to the right of action to the owner of such livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law. Claimants for damages shall furnish evidence under oath of quantity and value to the governing body of the county or of any city within ninety days after sustaining such damage.

Provided, however, that if the governing body of the counties of Surry, Carroll, Grayson, King George, *Smyth, Wythe,* Sussex and Floyd so prescribe by ordinance, no payment by the county shall be made under this section unless and until the claimant shall have exhausted his legal remedies against the owner of the dog doing the damage for which compensation under this section is sought; such governing body of such county may require the submission of evidence that the claimant has exhausted his legal remedies against the owner of the dog, if known; *and provided further that the governing body of the counties of Sussex and Greene may prescribe by ordinance that no payment shall be made by the county under the provisions of this section unless the owner of such livestock or poultry shall have notified the game warden for such county of his intention to make a claim hereunder and shall have afforded such game warden an opportunity to view such livestock or poultry within forty-eight hours after the death thereof.*

CHAPTER 171

An Act to prohibit, and provide a penalty for violations, in the counties of Goochland and Louisa, hunting with a rifle of a caliber larger than twenty-two/one-hundredths or with a shotgun loaded with slugs, and to provide how such prohibition may become effective in such counties.

[H 360]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be unlawful and constitute a misdemeanor for any person to hunt in the counties of Goochland and Louisa with a rifle of a caliber larger than twenty-two/one-hundredths or with a shotgun loaded with slugs. Any person violating this section shall be guilty of a misdemeanor and punished as provided by law.

§ 2. The provisions of § 1 of this act shall not become effective within the counties of Goochland or Louisa unless and until the governing body of the county adopts a resolution declaring that the public safety requires the same.

CHAPTER 172

An Act to amend and reenact § 46.1-180 of the Code of Virginia, authorizing the governing bodies of counties, cities and towns to provide, by ordinance, for certain regulations for the operation of vehicles on the highways thereof, and providing certain limitations upon such authorization.

[H 364]

Approved March 3, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 46.1-180 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-180. (a) In counties, cities and towns the governing body may adopt ordinances to regulate the operation of vehicles on the highways of such counties, cities and towns not in conflict with the provisions of this title and may repeal, amend or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. No governing body of any county, city or town may:

(1) Increase or decrease the speed limit within their boundaries unless such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and unless such speed area or zone is clearly indicated by markers or signs; *provided, however, that the governing body of any city or town, by ordinance, may authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed sixty days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which men are working or where the highway is under construction or repair.*

(2) Enact ordinances requiring vehicles to come to a full stop or yield the right of way at a street intersection if one or more of such intersecting streets has been designated as a part of the State highway system in a town which has a population of less than thirty-five hundred people.

(b) No such ordinance shall be deemed violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing or is substantially defaced so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

(c) No governing body of a county, city or town may provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar offense under the provisions of this title.

CHAPTER 173

An Act to amend the Code of Virginia by adding thereto a section numbered 29-161.1, to provide a penalty for any person convicted of trapping, attempting to take by means of a trap, offering for sale, selling, offering to purchase or purchasing any migratory game birds or convicted of possession of any such migratory game birds taken by means of a trap.

[H 392]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 29-161.1, as follows:

§ 29-161.1. Notwithstanding the provisions of § 29-161, as amended, and § 29-164 of the Code of Virginia, any person convicted of trapping, attempting to take by means of a trap, offering for sale, selling, offering to purchase or purchasing any migratory game bird, as defined in § 29-132, as amended, of the Code of Virginia, or convicted of possessing any such migratory game bird taken by means of a trap, shall be deemed guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than five hun-

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dred dollars nor more than one thousand dollars and may be imprisoned in jail not exceeding twelve months, either or both.

2. An emergency exists and this act is in force from its passage.

CHAPTER 174

An Act to amend and reenact § 15-453 of the Code of Virginia, relating to salaries of any city or town mayor, councilman, and certain other officers thereof.

[H 396]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-453 of the Code of Virginia be amended and reenacted as follows:

§ 15-453. Nothing in §§ 15-448 to 15-452 shall affect the salaries of any * mayor *or* councilman *of any city or town* or other officers whose salaries are fixed, or the manner of fixing the same *is* prescribed, by the charter of any city *or town*.

2. An emergency exists and this act is in force from its passage.

CHAPTER 175

An Act to amend and reenact § 16.1-16 of the Code of Virginia, relating to bond required of clerks, officers and employees of courts not of record.

[H 410]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-16 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-16. Every clerk, deputy clerk or other officer or employee of a court not of record who handles or is accountable for funds belonging to or in the custody of the court shall, before entering upon the duties of his office, enter into bond before the clerk of a circuit or corporation court to which appeals from his court lie, which bond shall be in a penalty deemed adequate and fixed by the judge of the court of record in which he qualifies, but in no event less than two thousand dollars. Such bond shall be with corporate surety approved by the clerk of the court of record, shall be conditioned for the faithful performance of the duties of the principal, and shall be made payable and shall be filed as provided in § 16.1-15 for bonds of judges of courts not of record.

The bond required under this section may be dispensed with if such officers and employees are under bond, in the amount of at least two thousand dollars, obtained by the city which is served by such court, conditioned upon the faithful performance of their duties and payable as the interest of the Commonwealth and city may appear.

CHAPTER 176

An Act to amend and reenact § 15-13, as amended, of the Code of

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Virginia, relating to appropriations for advertising resources for cities and towns.

[H 430]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-13, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-13. The councils of the cities and towns of the State * may, in their discretion, expend not exceeding one per centum of their annual revenues from all sources in advertising and giving publicity to their resources and advantages; provided, that the council of the city of Roanoke shall have power, in its discretion, to expend for such purpose not exceeding the sum of three thousand dollars; provided further that the city of Virginia Beach may expend for such purpose an amount not exceeding five per centum of its annual revenue from all sources *and the city of Fredericksburg may expend for such purpose an amount not exceeding two per centum of its annual revenue from all sources.*

CHAPTER 177

An Act to amend and reenact § 46.1-378, of the Code of Virginia, relating to restrictions to be placed on operators' and/or chauffeurs' licenses.

[H 437]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-378 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-378. (a) The Division upon issuing an operator's or chauffeur's license may, whenever good cause appears, impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Division may determine *.

(b) Any person issued an operator's or chauffeur's license on which there are printed or stamped restrictions as provided by this section and who operates a motor vehicle in violation of such restrictions shall be guilty of a misdemeanor and upon conviction shall be punished as provided in § 46.1-387, and in addition thereto the Division, upon receiving notice of such conviction, shall immediately suspend the operator's or chauffeur's license of such convicted person and such suspension shall remain in force and effect until the provisions of this section have been complied with.

CHAPTER 178

An Act to amend and reenact § 46.1-382 of the Code of Virginia, relating to the extension of operators' licenses for certain persons in the armed forces of the United States under certain conditions.

[H 438]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-382 of the Code of Virginia be amended and reenacted as follows:

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§ 46.1-382. The operator's license of any person issued under the provisions of this article shall be held not to have expired during the period of his service, if any, outside the Commonwealth of Virginia, in the armed forces of the United States and six months thereafter; *provided, however, that any such extension granted under the provisions of this section shall not exceed two years from the date of expiration shown on the individual's operator's license.* Any person whose license is extended under the provisions of this section shall have documentary or other proof when operating any motor vehicle that he is entitled to the benefits hereof.

CHAPTER 179

An Act to amend and reenact § 46.1-413 of the Code of Virginia, relating to the forwarding of certain abstracts of records in certain cases; records in office of Division of Motor Vehicles; inspection; clerk's fee for reports.

[H 440]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-413 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-413. In the event a person is convicted of a charge described in subdivision (a) or (b) of § 46.1-412 or forfeits bail or collateral or other deposit to secure the defendant's appearance upon such charges unless the conviction has been set aside or the forfeiture vacated; or in the event there is rendered a judgment for damages against a person as described in subdivision (c) of § 46.1-412 every county or municipal court or clerk of a court of record shall forward an abstract of the record to the Commissioner within fifteen days, *or in case of civil judgments, thirty days* after such conviction, forfeiture or judgment has become final without appeal or has become final by affirmance on appeal. The Commissioner shall keep such records in the offices of the Division and they shall be opened to the inspection of any person during business hours, provided the Commissioner with the approval of the Governor may destroy the record of any conviction, forfeiture, or judgment, when five years have elapsed from the date thereof except those records that alone or in connection with other records will require suspension or revocation of a license or registration under any applicable provisions of this title.

There shall be allowed to the clerk of any court a fee of fifty cents for each report hereunder to be taxed and payable as a part of the court costs.

CHAPTER 180

An Act to amend and reenact §§ 23-14, as amended, 23-39, 23-40, 23-41, 23-42, 23-44, 23-45, 23-47, 23-49, and 23-49.1 and repeal § 23-48 of the Code of Virginia, relating to the College of William and Mary in Virginia.

[H 466]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-14, as amended, 23-39, 23-40, 23-41, 23-42, 23-44, 23-45,

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23-47, 23-49 and 23-49.1 of the Code of Virginia be amended and reenacted as follows:

§ 23-14. The Colleges of William and Mary * at Williamsburg; the Medical College of Virginia, at Richmond; the board of visitors of the Virginia State School, at Newport News; the State Teachers' College, at Farmville; the Mary Washington College of the University of Virginia, at Fredericksburg; the Madison College, at Harrisonburg; the Radford College, Woman's Division, Virginia Polytechnic Institute, at Radford; the rector and visitors of the University of Virginia, at Charlottesville; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute, at Blacksburg; the Virginia School for the Blind, at Charlottesville; the Virginia School for the Deaf and Blind, at Staunton; the Virginia State College, at Petersburg; and the Woodrow Wilson Rehabilitation Center, at Fishersville, are hereby classified as educational institutions, and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter.

§ 23-39. The board of visitors of The Colleges of William and Mary shall be a corporation under the style of "The Colleges of William and Mary *."

§ 23-40. All the real estate and personal property * now existing and standing in the name of the corporate body designated * "The College of William and Mary in Virginia" shall be transferred to and be known and taken as standing in the name, and to be under the control of the corporate body designated "The Colleges of William and Mary *." Such real estate and personal property shall be the property of the Commonwealth.

§ 23-41. (a) The board of visitors is to consist of * *fourteen* members to be appointed by the Governor from the State at large, and the Superintendent of Public Instruction ex officio. The visitors * *of The College of William and Mary in Virginia in office on March seventh, nineteen hundred sixty, are hereby declared to be visitors of The Colleges of William and Mary, and are continued in office until their respective terms would have otherwise expired.*

(b) * *On or before* March first, nineteen hundred and * *sixty,* and biennially thereafter, the Governor shall appoint, for the term of four years, the successors of the * visitors whose terms are about to expire. *Within thirty days of the effective date of this act, the Governor shall appoint two additional visitors for terms to expire March sixth, nineteen hundred sixty-two, and two additional visitors for terms to expire March sixth, nineteen hundred sixty-four. Thereafter, all visitors shall be appointed for terms of four years.* The Governor shall appoint for a term of four years the Superintendent of Public Instruction as an ex officio visitor, such membership to be vacated, however, with the termination of his tenure as Superintendent.

(c) All vacancies, whether occasioned by failure to make an appointment within the sixty days preceding any regular expiration as required, or otherwise, are to be filled by the Governor for the unexpired term.

(d) All appointments are subject to confirmation by the General Assembly if in session when such appointments are made, and if not in session, then at its next succeeding session. Visitors shall continue to discharge their duties after their terms have expired until their successors have been appointed and have qualified.

§ 23-42. (a) The Governor may appoint visitors from a list of qualified persons submitted to him, before or after induction into office, by

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the alumni associations of The Colleges of William and Mary *, on or before the first day of December of any year next preceding a year or in which the terms of any visitors will expire.

(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall certify this fact to the associations and nominations may be submitted of qualified persons and the Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the associations, whether or not alumni or alumnae.

(c) Every list shall contain at least three names for each vacancy to be filled.

(d) The Governor is not to be limited in his appointments to the persons so nominated.

*

§ 23-44. The board of visitors shall be vested with all the rights and powers conferred by the provisions of this chapter and by the ancient royal charter of the College of *William and Mary in Virginia*, in so far as the same are not inconsistent with the provisions of this chapter and the general laws of the State.

The board shall control and expend the funds of the Colleges and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the Colleges, * and generally direct the affairs of the Colleges.

§ 23-45. The board of visitors may fix in their discretion, the rates charged the students of the Colleges for * *tuition, fees and other necessary charges.*

§ 23-47. * *One or more of the Colleges* shall maintain in connection with * *their* collegiate courses * a system of * instruction and training for the purpose of educating and training white teachers for the public free schools of the State.

§ 23-49. * The Colleges shall admit properly prepared women to * *their* collegiate * courses, and upon graduation shall grant them degrees upon the same terms as those upon which like degrees are granted to men.

§ 23-49.1. (a) *The College of William and Mary in Virginia, now located in Williamsburg,* the Norfolk Division of the College *, and the Richmond Professional Institute, *and the divisions at Newport News and Petersburg,* respectively, * are hereby established as * *Colleges* of The Colleges of William and Mary, * and are integral parts thereof. Such * *Colleges* shall be subject to the supervision, management and control of the board of visitors of The Colleges *of William and Mary. Such colleges shall be separate from each other and each college shall report directly to the Board of Visitors through the Chancellor.*

(b) All property, property rights, duties, contracts and agreements of * the *several* colleges are vested in the board of visitors of the Colleges *of William and Mary. * The chief executive officer of The Colleges of William and Mary shall be designated as Chancellor of the Colleges; the chief executive officers of the colleges granting baccalaureate or higher degrees shall be designated as presidents; the chief executive officers of such two-year colleges as may be authorized by the General Assembly and made by it integral parts of The Colleges of William and Mary shall be designated as directors.* The board of visitors of The Colleges *of William and Mary* is charged with the care and preservation of all property belonging to the * *several colleges.* With respect to the * *several colleges,* the board of visitors shall have the same powers as to granting degrees, as to fixing tuitions, fees, and other charges, as to the appointment and removal of administrative officers, professors, agents and * *employees,* and the making of rules and regulations, as are now vested in them with respect to the College *of William and Mary in Virginia; provided, that no degree*

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shall be conferred for completion of the course of instruction offered at the divisions at Newport News and Petersburg. *

(c) Appropriations directly and indirectly from the State to the *several* colleges * shall be expended as directed by the board of visitors of The Colleges of William and Mary * .

(d) The Board of Visitors of The Colleges of William and Mary is authorized and directed to prepare the by-laws for The Colleges of William and Mary, to define the functions of the several colleges, and to specify the responsibilities of the Chancellor, the chief executive officers, all professors, teachers and agents of the several colleges, as the board may deem necessary.

(e) The Board of Visitors of The Colleges of William and Mary shall appoint a Chancellor of the Colleges of William and Mary, the presidents and the chief executive officers, all professors, teachers and agents of the several colleges and fix their salaries. The Chancellor shall be appointed and take office on or before July one, nineteen hundred sixty-one.

(f) The board of visitors is hereby empowered to choose distinctive and appropriate titles for all constituent colleges except for the college at Williamsburg which shall be known as The College of William and Mary in Virginia.

2. § 23-48 of the Code of Virginia is repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 181

An Act to authorize the Board of Visitors of Virginia Polytechnic Institute to contract with the city of Radford for sewage disposal in connection with Radford College, Woman's Division of Virginia Polytechnic Institute.

[H 502]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The board of visitors of Virginia Polytechnic Institute, with the approval of the Governor first obtained in writing, may enter into an agreement with the city of Radford for the construction, maintenance and operation of a sewage disposal system for the joint use of Radford College, Woman's Division of Virginia Polytechnic Institute and the city.

CHAPTER 182

An Act to amend and reenact § 14-56.1, as amended, of the Code of Virginia, relating to the compensation allowed individual members of county boards of supervisors.

[S 44]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-56.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-56.1. After January one, nineteen hundred and sixty, the annual compensation to be allowed each member of the board of supervisors of any

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county, to be determined by the board within the limits hereinafter set forth, shall be as follows:

Accomack—*not less than* six hundred *nor more than fifteen hundred* dollars;

Albemarle—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;

Alleghany—nine hundred dollars;

Amelia—twelve hundred dollars;

Amherst—not less than six hundred nor more than * *nine* hundred * dollars;

Appomattox—four hundred dollars;

Arlington—three thousand dollars;

Augusta—not more than one thousand dollars;

Bath—not less than three hundred nor more than six hundred dollars;

Bedford—not less than two hundred fifty nor more than * *one thousand* dollars with an additional one hundred dollars to the chairman, and any member thereof who is responsible for the management of any county lake shall receive in addition to his regular compensation not more than one thousand dollars;

Bland—not less than three hundred nor more than five hundred dollars;

Botetourt—* *twelve* hundred dollars;

Brunswick—not less than five hundred nor more than six hundred dollars;

Buchanan—not less than six hundred nor more than one thousand dollars;

Buckingham—not less than four hundred nor more than one thousand dollars;

Campbell—not less than two hundred and fifty nor more than six hundred dollars with an additional one hundred dollars to the chairman, and any member thereof who is responsible for the management of any county lake shall receive in addition to his regular compensation not more than one thousand dollars;

Caroline—not more than one thousand dollars;

Carroll—not less than four hundred eighty nor more than twelve hundred dollars with an additional sixty dollars to the chairman;

Charles City—not more than four hundred dollars;

Charlotte—not less than three hundred nor more than six hundred dollars;

Chesterfield—not less than three hundred nor more than * *twenty-four* hundred dollars;

Clarke—not more than * *six* hundred dollars;

Craig—not more than four hundred dollars;

Culpeper—not less than two hundred and forty nor more than three hundred and fifty dollars;

Cumberland—not more than four hundred dollars;

Dickenson—not less than six hundred nor more than one thousand dollars;

Dinwiddie—not less than three hundred nor more than twelve hundred dollars;

Essex—not more than one thousand dollars;

Fairfax—not less than six hundred nor more than three thousand dollars, together with an allowance for the actual expense of secretarial services not to exceed fifty dollars per month;

Fauquier—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;

Floyd—six hundred dollars;

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Fluvanna—not more than three hundred dollars;

Franklin—four hundred and eighty dollars *with an additional eighty dollars to the chairman;*

Frederick—not more than five hundred dollars with an additional sixty dollars to the chairman;

Giles—not less than one thousand nor more than twelve hundred dollars;

Gloucester—not more than * *nine* hundred dollars;

Goochland—not more than four hundred dollars;

Grayson—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;

Greene—not more than four hundred dollars;

Greensville—not less than three hundred nor more than * *one thousand* dollars;

Halifax—not less than three hundred nor more than six hundred dollars;

Hanover—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;

Henrico—not less than three hundred nor more than * *twenty-four* hundred dollars;

Henry—six hundred dollars;

Highland—not more than four hundred dollars;

Isle of Wight—not more than eight hundred dollars;

James City—not more than * *eight* hundred dollars;

King and Queen—not more than one thousand dollars;

King George—not more than one thousand dollars;

King William—not more than four hundred dollars;

Lancaster—not more than one thousand dollars;

Lee—* *not more than twelve* hundred dollars;

Loudoun—not less than four hundred nor more than one thousand dollars and the board may fix a higher salary for the chairman than for the other members of the board;

Louisa—four hundred dollars;

Lunenburg—not more than six hundred dollars;

Madison—not more than four hundred dollars;

Mathews—not more than * *nine* hundred dollars;

Mecklenburg—five hundred dollars;

Middlesex—not more than * *nine* hundred dollars;

Montgomery—not more than five hundred dollars;

Nansemond—not more than eight hundred dollars;

Nelson—not more than **seven* hundred *fifty* dollars;

New Kent—not more than three hundred dollars;

Norfolk—not less than fifteen hundred nor more than twenty-four hundred dollars;

Northampton—six hundred dollars;

Northumberland—not more than one thousand dollars;

Nottoway—twelve hundred dollars;

Orange—not less than three hundred nor more than six hundred dollars;

Page—not less than three hundred nor more than six hundred dollars;

Patrick—five hundred dollars;

Pittsylvania—not less than six hundred * fifty dollars;

Powhatan—not more than six hundred dollars;

Prince Edward—not less than seven hundred and fifty nor more than twelve hundred dollars;

Prince George—not less than three hundred nor more than * *one thousand* dollars;

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Prince William—not less than six hundred nor more than eighteen hundred dollars;

Princess Anne—not less than * *six* hundred nor more than * *twenty-four* hundred dollars;

Pulaski—not more than nine hundred dollars;

Rappahannock—not more than * *six* hundred dollars;

Richmond—not more than one thousand dollars;

Roanoke—not more than nine hundred dollars;

Rockbridge—not less than * *six* hundred nor more than * *twelve* hundred dollars with an additional one hundred dollars to the chairman;

Rockingham—twelve hundred dollars;

Russell—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;

Scott—six hundred dollars;

Shenandoah—not more than six hundred dollars;

Smyth—not *less than one thousand nor* more than * *eighteen hundred* dollars;

Southampton—not less than four hundred and eighty nor more than nine hundred dollars with an additional sixty dollars to the chairman;

Spotsylvania—not less than four hundred nor more than one thousand dollars;

Stafford—not less than six hundred nor more than * *eighteen hundred* dollars;

Surry—not more than four hundred dollars;

Sussex—not less than three hundred nor more than six hundred dollars;

Tazewell—not more than twelve hundred dollars;

Warren—not less than three hundred nor more than six hundred dollars;

Washington—* *not more than nine hundred dollars with an additional amount of not more than three hundred dollars to the chairman;*

Westmoreland—not more than one thousand dollars;

Wise—not more than nine hundred dollars;

Wythe—not more than nine hundred dollars;

York—not less than three hundred nor more than * *twelve* hundred dollars.

2. An emergency exists and this act is in force from its passage.

CHAPTER 183

An Act to amend and reenact §§ 54-89 and 54-93 of the Code of Virginia, relating to certification requirements for certified public accountants and when examinations may be waived.

[S 65]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 54-89 and 54-93 of the Code of Virginia be amended and reenacted as follows:

§ 54-89. The certificate of "certified public accountant" shall be granted by the Board to any person *who meets with the requirements of paragraphs (1) - (6) of this section.*

(1) * *He shall be* a citizen of the United States or * *have* duly declared his intention of becoming such citizen, and * *be* domiciled in the State

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of Virginia, or * *have* a place of business therein at the time of making application.

(2) * *He shall be* over the age of twenty-one years.

(3) * *He shall be* of good moral character.

(4) * *He shall be* a graduate of a high school with a four years' course or *, in the opinion of the Board, * *have* had equivalent education through commercial experience, or otherwise; *provided that on and after July one, nineteen hundred sixty-four, he shall be a high school graduate and shall have received sixty semester hours of credit from a college or university accredited by the State Board of Education, or in courses approved by the State Board of Accountancy at any other school, and after July one, nineteen hundred sixty-seven, he shall be a high school graduate and have received ninety semester hours of such credit and after July one, nineteen hundred seventy, he shall be a high school graduate and have received one hundred twenty semester hours of such credit.*

The required semester hours shall include courses in accounting, cost accounting, auditing, commercial law and such other courses related to accounting as the Board shall prescribe by regulation. The required semester hour credits may be received in schools which specialize in business training, including business schools and correspondence schools if the courses in which the credits are received are found by the State Board of Accountancy to be comparable to those offered by similar institutions accredited by the State Board of Education. On application of any such school, the State Board of Accountancy shall make such investigation as shall be necessary to determine whether the subject matter and instruction in any such course or courses are substantially equivalent to comparable courses offered by institutions accredited by the State Board of Education; and shall approve such course, if equivalent, to fulfill the requirements of this subsection (4), provided that such approval may be withdrawn as to any course if evidence is presented to the Board that such course is no longer substantially equivalent to those offered in accredited institutions.

Provided, that on and after July one, nineteen hundred sixty-four, any person who has not been able to obtain the required semester hours of credit in a college, university, business school or correspondence school, may meet the requirements of this subsection (4) by successfully completing a special examination, given under the direction of the State Board of Accountancy, demonstrating that such person through training, experience or self-education has acquired an education substantially equivalent to that of a person who has met the requirements of this subsection (4), as such requirements exist at the time of taking such examination. The Board shall charge a fee for the taking of this examination not to exceed fifteen dollars.

(5) * *He* shall have continuously for at least two years immediately preceding the date of his application been engaged in practice as a public accountant or shall have been employed as a staff accountant of a practicing certified public accountant or public accountant; or * *he* shall have been actively employed for at least four years preceding the date of his application by the United States Treasury Department as an internal revenue agent; or * *he* shall have been actively employed for at least four years preceding the date of his application by any federal or state supervisory agency or instrumentality as an auditor or examiner, whose duties entail the audit or verification of accounts and records and the preparation, based thereon, of reports to such agency or instrumentality for the purposes of supervision or regulation; provided, that the experience required in this subsection shall include the preparation of balance sheets and operating statements from general books or, * *he shall* in the opinion of

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the Board * have had experience equivalent to that required in the foregoing, and the Board shall recognize that the equivalent experience may be obtained independently of employment with a practicing certified public accountant, public accountant, the United States Treasury Department, or any federal or state supervisory agency or instrumentality, as hereinabove set forth. *

(6) * *He* shall have passed examination in theory of accounts, in practical accounting, in auditing, in commercial law as affecting accountancy, and in such other related subjects as the Board may deem advisable.

No applicant shall be examined in the subjects stated in subsection (6) until the Board shall have been satisfied in respect to the requirements stated in subsection (1)—* *(4).* * *An applicant who is* examined in the subjects specified in subsection (6) * *and who receives* a satisfactory grade may be granted the certificate of certified public accountant, but not until the practical experience *required in subsection (5)* shall have been obtained; and any person receiving such certificate shall be known and styled as a "certified public accountant". *

Notwithstanding the foregoing provisions of this section, any candidate who has taken the examination prior to July one, nineteen hundred sixty, shall be eligible to take future examinations.

§ 54-93. The Board may, in its discretion, waive the examination provided for in this chapter, and may issue a certificate of certified public accountant to any person who possesses the other qualifications stated in § 54-89, and who is the holder of a certificate of certified public accountant issued under the laws of any state or territory, or the District of Columbia, which extends similar privileges to certified public accountants of this State, provided the requirements for such certificates in the state or territory or the District of Columbia, which has granted it to the applicant are, in the opinion of the Board, equivalent to those herein required; or who is the holder of a certificate of certified public accountant, or the equivalent thereof, granted under the authority of a foreign nation, provided the requirements for such certificates are, in the opinion of the Board, equivalent to those herein required. *Any person, who could otherwise qualify for a certificate of certified public accountant under this section at any time, shall remain eligible for such certificate notwithstanding any change in the educational requirements set forth in § 54-89.*

CHAPTER 184

An Act to amend and reenact § 32-294, as amended, of the Code of Virginia, relating to eligibility of persons for hospitalization under the State-Local Hospitalization program, so as to direct the Board of Welfare and Institutions to promulgate and distribute uniform eligibility standards as an aid to local authorizing agents.

[S 92]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 32-294, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 32-294. The eligibility of persons for hospitalization to be furnished wholly or in part at public expense, shall be determined by an authorizing agent, duly designated and appointed by the governing body of each county or city, who shall be empowered by the appointing governing body

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to carry out the provisions of this chapter as they appear. Due notice of such appointment shall be made by the governing body to the Board. No person shall be denied hospitalization solely on the ground that he is not otherwise eligible for public relief.

The Board shall promulgate uniform eligibility standards for hospitalization under the provisions of this chapter, and shall distribute copies of such standards to the authorizing agent of each county and city as a guide in aid of such agents in determining eligibility of persons for such hospitalization, but it shall not be mandatory upon such authorizing agents to apply such uniform eligibility standards when making such determination.

A medically indigent resident of a county or city is defined as any person domiciled in such county or city who has resided in this State for the preceding twelve months, whether gainfully employed or not and who, either by himself or by those upon whom he is dependent, is unable to pay for the hospitalization required.

CHAPTER 185

An Act to amend and reenact § 35-3.1 of the Code of Virginia, relating to requirements for gas burning heaters used in hotels, inns, houses of entertainment, or other houses licensed for the lodging, care, or entertainment of the public, the operation of which requires a State permit, so as to prohibit within the sleeping quarters of any such premises any gas burning device used for cooking, water heating, drying, or refrigeration and to prescribe the conditions under which any such device may be used in any room connected to the sleeping quarters of any such premises.

[S 182]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 35-3.1 of the Code of Virginia be amended and reenacted as follows:

§ 35-3.1. All gas burning heaters used in any hotel, inn, house of entertainment, or other house, *hereinafter referred to as premises*, licensed and kept for the lodging, care, or entertainment of the public in this State, the operation of which requires a State permit, shall be so designed that all products of combustion are collected within the heating unit, effectively vented to the outside air to a height two feet above any obstruction within a radius of fifteen feet, equipped with an approved down draft diverter and wind cap, an automatic safety pilot and an automatic pilot device; provided that the requirements of this section shall not be construed as debarring gas burning heaters equipped with equally effective safety devices, all of which have the approval of nationally recognized testing agencies for use in such establishments.

No gas burning device used for cooking, water heating, drying, or refrigeration shall be used in any room used for sleeping in any such premises. If any such device is used in any room connected to any such sleeping quarters, such room shall be of tight construction, properly ventilated and equipped with a substantial door with a conventional latch or lock between such room and such sleeping quarters.

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CHAPTER 186

An Act to amend and reenact § 35-25 of the Code of Virginia, relating to definition of public eating and drinking places.

[S 183]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 35-25 of the Code of Virginia be amended and reenacted as follows:

§ 35-25. For the purpose of this chapter the following terms shall have the meanings respectively indicated unless another meaning is clearly intended or required by the context:

(1) "Restaurant" includes restaurant, coffee shop, cafeteria, short order cafe, luncheonette, hotel dining room, tavern, sandwich shop, soda fountain, and all other public eating and drinking establishments by whatever name called, including *catering services,* the dining accommodations of clubs, all State institutions, and schools and colleges both public and private; provided, however, this chapter shall not be construed to include facilities of public service corporations under the jurisdiction of the State Corporation Commission;

(2) "Employee" includes any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is stored, prepared or served;

(3) "Eating, drinking and cooking utensils" or "utensils" includes any kitchenware, tableware, cutlery, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving;

(4) "Commissioner" includes the chief executive officer of the State Board of Health and his duly authorized agents;

(5) "Unwholesome food" includes any food or drink not fit for human consumption;

(6) "Board" means the State Board of Health.

CHAPTER 187

An Act to amend and reenact §§ 23-93 and 23-94 of the Code of Virginia, relating to the board of visitors of the Virginia Military Institute.

[S 187]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-93 and 23-94 of the Code of Virginia be amended and reenacted as follows:

§ 23-93. The board of visitors is to consist of * *fifteen* visitors, eleven to be appointed by the Governor from the State at large, *two to be appointed by the Governor from nonresident alumni,* and the Adjutant General and the Superintendent of Public Instruction, ex officio. The appointive visitors in office on * *the effective date of this act* are continued in office until the end of their respective terms. * The Superintendent and Adjutant General shall remain eligible for appointment as ex officio members so long as they continue in office as Superintendent or Adjutant General.

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All appointments for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the Senate.

§ 23-94. (a) The Governor may appoint visitors from a list of qualified persons submitted to him by the alumni association of the Virginia Military Institute, on or before the first day of April of any year in which the terms of any visitors will expire.

(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall certify this fact to the association and nominations may be submitted of qualified persons and the Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the association.

(c) Every list shall contain at least three names for each vacancy to be filled.

(d) The Governor is not to be limited in his appointments to the persons so nominated.

(e) At * *least ten* of the appointive visitors *shall* be alumni of the Institute.

2. An emergency exists and this act is in force from its passage.

CHAPTER 188

An Act to amend and reenact §§ 46.1-167.1, 46.1-167.2, 46.1-167.3, 46.1-167.4 and 46.1-167.5 of the Code of Virginia, relating to additional fee and certificates required for registration of uninsured motor vehicles; definition of insured and uninsured motor vehicles; to prescribe penalties for giving false information to the Commissioner of Motor Vehicles; and to provide for suspension or revocation of licenses and registration in certain cases.

[H 7]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-167.1, 46.1-167.2, 46.1-167.3, 46.1-167.4 and 46.1-167.5 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-167.1. In addition to any other fees prescribed by law, every person registering an uninsured motor vehicle, as hereinafter defined, * shall pay at the time of registering the same a fee of * *twenty* dollars. * *Every person applying for registration for a motor vehicle and declaring the same to be an insured motor vehicle shall, under the penalties set forth in § 46.1-167.3, execute and furnish to the Commissioner his certificate that such motor vehicle is an insured motor vehicle as herein defined, or that the Commissioner has issued to the owner thereof, in accordance with the provisions of § 46.1-395, a certificate of self-insurance applicable to the vehicle sought to be registered. The Commissioner, or his duly authorized agent, may require any registered owner of a motor vehicle declared to be insured or any applicant for registration of a motor vehicle declared to be an insured motor vehicle to submit a certificate of insurance executed by an authorized agent or representative of an insurance company authorized to do business in this State. Such certificates of insurance shall be in a form prescribed by the Commissioner.*

§ 46.1-167.2. * *(a) For purposes of this article, a "motor vehicle" is defined as a vehicle capable of self-propulsion which is required to be titled and licensed and for which a license fee is required to be paid by the owner thereof.*

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(b) As used in this article, the term "insured motor vehicle" means a motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, both in the amounts specified in § 46.1-504, as amended from time to time, issued by an insurance carrier authorized to do business in this State, or as to which a bond has been given or cash or securities delivered in lieu of such insurance; or as to which the owner has qualified as a self-insurer in accordance with the provisions of § 46.1-395; and the term "uninsured motor vehicle" means a motor vehicle as to which there is no such bodily injury liability insurance and property damage liability insurance, or no such bond has been given or cash or securities delivered in lieu thereof, or the owner of which has not so qualified as a self-insurer.

§ 46.1-167.3. * *If during the period for which it is licensed a motor vehicle is or becomes an uninsured motor vehicle and the fee of twenty dollars required by § 46.1-167.1 has not been paid, the owner thereof who operates or permits the operation thereof by another person shall be guilty of a misdemeanor, punishable as set forth in § 46.1-16.*

Any person who presents or causes to be presented to the Commissioner a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, shall be guilty of a misdemeanor, punishable as set forth in § 46.1-16.

Provided that the foregoing portions of this section shall not be applicable if it is established that such owner or person had good cause to believe and did believe that such motor vehicle was an insured motor vehicle, in which event the provisions of § 46.1-59 shall be applicable.

Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section shall be forwarded to the Commissioner as prescribed by § 46.1-413.

The Commissioner shall suspend the operator's and/or chauffeur's license and all registration certificates and license plates of any person upon receiving a record of his conviction of a violation of any provisions of this section, and he shall not thereafter reissue the operator's and/or chauffeur's license and the registration certificates and license plates issued in the name of such person until such person shall pay the twenty dollar fee applicable to the registration of an uninsured motor vehicle and shall have furnished proof of financial responsibility for the future as prescribed by Article 6 of Chapter 6 of this Title; provided, however, that when five years have elapsed from the date of the suspension herein required, the Commissioner may relieve such person of the requirement of furnishing proof of financial responsibility for the future; provided further, that when such suspension results from a conviction for presenting or causing to be presented to the Commissioner a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the Commissioner shall not thereafter reissue the operator's and/or chauffeur's license and the registration certificates and license plates issued in the name of such person so convicted for a period of one hundred eighty days from the date of such order of suspension, and only then when all other provisions of law have been complied with by such person.

§ 46.1-167.4. * *When it shall appear to the Commissioner from the records of his office:*

(1) That an uninsured motor vehicle as herein defined, subject to registration in this State, is involved in a reportable accident in this State resulting in death, injury or property damage with respect to which motor vehicle the owner thereof has not paid the uninsured motor vehicle fee of twenty dollars as prescribed in § 46.1-167.1, or,

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(2) That a resident operator of a motor vehicle not registered in this State is involved in a reportable accident in this State resulting in death, injury or property damage and there is not in effect as to such operator a standard provisions automobile liability insurance policy with limits as specified in § 46.1-504, as may be amended from time to time,

the Commissioner shall, in addition to enforcing the applicable provisions of Article 4 of Chapter 6 of this Title, suspend such owner's or operator's, operator's and/or chauffeur's license and all of his license plates and registration certificates until such person has complied with the provisions of Article 4 of Chapter 6 of this Title and has paid to the Commissioner a fee of seventy-five dollars, to be disposed of as provided by § 46.1-167.6, with respect to the motor vehicle involved in the accident and furnishes proof of financial responsibility for the future in the manner prescribed in Article 6 of Chapter 6 of this Title.

However, when five years have elapsed from the date of the suspension herein required, the Commissioner may relieve such person of the requirement of furnishing proof of financial responsibility for the future. The presentation by a person subject to the provisions of this section of a certificate of insurance, executed by an agent or representative of an insurance company qualified to do business in this State, showing that on the date and at the time of the accident the vehicle was an insured motor vehicle as herein defined, or, presentation by such person of evidence that the additional fee applicable to the registration of an uninsured motor vehicle had been paid to the Division prior to the date and time of the accident, shall be sufficient bar to the suspension provided for in this section.

§ 46.1-167.5. ** (a) Whenever any proof of financial responsibility filed by any person as required by this article no longer fulfills the purpose for which required, the Commissioner shall require other proof of financial responsibility as required by this article and shall suspend such person's operator's and/or chauffeur's license, registration certificates and license plates pending the furnishing of proof as required.*

(b) Any person whose operator's and/or chauffeur's license or registration certificates or license plates have been suspended as provided in this article and have not been reinstated shall immediately return every such license, registration certificate, and set of license plates held by him to the Commissioner. Any person failing to comply with this requirement shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in § 46.1-16.

(c) The Commissioner is authorized to take possession of any license, registration certificate or set of license plates upon their suspension under the provisions of this article or to direct any police officer to take possession of and return them to the office of the Commissioner.

2. An emergency exists and this act shall be in force on and after March fifteenth, nineteen hundred and sixty.

CHAPTER 189

An Act to amend and reenact § 38.1-617 of the Code of Virginia, and to repeal §§ 38.1-605, 38.1-608 and 38.1-622 of the Code of Virginia, the amended and repealed sections relating to the manner in which funds of fraternal benefit societies shall be handled.

[H 365]

Approved March 4, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 38.1-617 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-617. * *All assets shall be held, invested and disbursed for the use and benefit of the society and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in the contract.*

A society may create, maintain, invest, disburse and apply any special fund or funds necessary to carry out any purpose permitted by the laws of such society.

Every society, the admitted assets of which are less than the sum of its accrued liabilities and reserves under all of its certificates when valued according to standards required for certificates issued after one year from the effective date of this section shall, in every provision of the laws of the society for payments by members of such society, in whatever form made, distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions thereto shall be used for expenses.

2. That §§ 38.1-605, 38.1-608 and 38.1-622 of the Code of Virginia are repealed.

CHAPTER 190

An Act to appropriate funds for certain crop pest control.

[H 485]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby appropriated out of the general fund of the State treasury sixty-eight thousand eight hundred thirty-six dollars to be expended by the Department of Agriculture and Immigration for crop pest control relating to Soybean Cyst Nemotode infestation.

2. An emergency exists and this act is in force from its passage.

CHAPTER 191

An Act to provide that the governing bodies of counties, cities and towns may provide that contributions made by persons to certain nonprofit, nonsectarian, private schools shall constitute a credit against the liability of any such person for county, city or town real estate or personal property taxes; to provide how such credit may be obtained; and to repeal certain acts and parts of acts.

[H 505]

Approved March 4, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The governing body of any county, city or town may provide that contributions to private schools as hereinafter defined may be deducted from real estate and personal property taxes due the city, county or town for the year during which such contributions were made, subject to the limitations set forth in this act.

§ 2. The governing body of such county, city or town may fix the

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maximum deduction which shall be allowed, but in no case shall the amount of any deduction allowed under the provisions of this act exceed twenty-five per centum of any tax due.

§ 3. For the purposes of this act, the term "private school" shall mean only those nonprofit, nonsectarian, private elementary and secondary schools, either in operation or chartered for operation within the succeeding year, which are located in the county, city or town in which a deduction under this act is claimed, and which offer a course of systematic educational instruction of not less than one hundred eighty days duration per year or the substantial equivalent thereof.

§ 4. No credit shall be allowed for any contribution made to any private school under the provisions of this act unless the person seeking such credit files with the tax collecting official of his county, city or town at the time his taxes are due and payable his own affidavit, setting forth the name and address of the school to which the contribution was made, the date thereof, the name and address of the person making the contribution, the amount of such contribution, the fact that no scholarship, reduction in fees or charges, rebate or remission of charges or scholarship or other benefit was granted such person or his children directly or indirectly as a result of such contribution, and whether or not any refund has been, or will be, made to such person. Upon the presentation of any such affidavit, the tax collecting official shall deduct from the amount of taxes due by such person on account of real estate or personal property the amount of such contribution. When the taxpayer shall have paid the balance remaining of such taxes, he shall thereupon be discharged from any further liability for the taxes assessed against his personal or real property by his county, city or town for the year in which such taxes were payable.

§ 5. It shall be unlawful and constitute a misdemeanor for any person falsely to claim a credit, or seek to claim a credit, for a contribution which would entitle him to a credit against his taxes not in accordance with the provisions of this act.

2. All acts and parts of acts in conflict herewith are repealed to the extent of such conflict.

CHAPTER 192

An Act to authorize the City of Danville to transfer, and the Board of Visitors of Virginia Polytechnic Institute to accept such transfer, the Danville Technical Institute, in whole or part, not earlier than July one, nineteen hundred sixty-one.

[S 186]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. At any time after July one, nineteen hundred sixty-one, the city of Danville is hereby authorized to transfer, and the Board of Visitors of Virginia Polytechnic Institute to accept, the Danville Technical Institute, in whole or in part, as may be agreed upon by the parties to said transfer with the approval of the Governor.

CHAPTER 193

An Act to amend the Code of Virginia by adding a section numbered 17-153.1, providing an additional judge of the Hustings Court of the

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City of Richmond, his election, powers, duties, salary and the designation of the senior judge of such court.

[H 3]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 17-153.1 as follows:

§ 17-153.1. (a) There shall be an additional judge for the Hustings Court of the city of Richmond with like qualification and to be elected in the same manner as the other judge of said court. The powers, duties, jurisdiction and authority of said additional judge, except as hereinafter provided, shall be the same as now or hereinafter provided by law for the other judge of said court and may be exercised at the same time as the other judge of said court is exercising the powers conferred upon him.

(b) The provisions of § 17-137.1 of the Code of Virginia shall apply mutatis mutandis to the original election or appointment of said additional judge.

(c) The appointment of guardians ad litem and receivers, and any other appointments incident to the trial, hearing or disposition of any judicial proceeding may be made by any judge of said court except where a judge has begun presiding in any such proceeding, in which event such judge shall make the appointment.

(d) Appointments to fill any public office or any vacancy of any public office shall be made by the senior judge of said court.

(e) The judge of said court longest in continuous service shall be the senior judge of said court. The senior judge shall have authority to assign the work of said court as between the judges thereof, the entry of an order being unnecessary for such assignment, and, except as herein provided, the other judge, during his tenure, shall have the same powers and duties of the senior judge.

(f) The salary of said additional judge of said court shall be as prescribed by law.

2. An emergency exists and this act is in force from its passage.

CHAPTER 194

An Act to amend and reenact §§ 17-119 and 17-119.1, as amended, of the Code of Virginia, relating to judicial circuits and additional judges in certain judicial circuits.

[H 140]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 17-119 and 17-119.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 17-119. The State shall be divided into * judicial circuits as follows:

(1) The county of Norfolk shall constitute the first circuit.

(2) The counties of Nansemond and Southampton and the city of Suffolk shall constitute the second circuit.

(3) The counties of Prince George, Sussex, Surry, Greensville and Brunswick and the city of Hopewell shall constitute the third circuit.

(4) The counties of Dinwiddie, Nottoway, Amelia and Powhatan and the city of Petersburg shall constitute the fourth circuit.

(5) The counties of Appomattox, Charlotte, Prince Edward, Buck-

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ingham and Cumberland shall constitute the fifth circuit.

(6) The counties of Bedford and Campbell and the city of Lynchburg shall constitute the sixth circuit.

(7) The counties of Henry and Patrick and the city of Martinsville shall constitute the seventh circuit.

(8) The counties of Madison, Greene, Fluvanna and Albemarle and the city of Charlottesville shall constitute the eighth circuit.

(9) The counties of Culpeper, Orange, Louisa and Goochland shall constitute the ninth circuit.

(10) The county of Henrico and the city of Richmond shall constitute the tenth circuit.

(11) The cities of Hampton and Newport News shall constitute the eleventh circuit, provided that after July one, nineteen hundred and sixty, the city of Hampton shall constitute the eleventh circuit.

(12) The counties of Richmond, Northumberland, Westmoreland, Lancaster and Essex shall constitute the twelfth circuit.

(13) The counties of Gloucester, Mathews, King and Queen, King William and Middlesex shall constitute the thirteenth circuit.

(14) The counties of New Kent, Charles City, York and James City and the cities of Warwick and Williamsburg shall constitute the fourteenth circuit, provided that after July one, nineteen hundred and fifty-eight, the counties of New Kent, Charles City, York and James City and the cities of Newport News and Williamsburg shall constitute the fourteenth circuit until July one, nineteen hundred and sixty, when the city of Newport News will cease to be a part of the fourteenth circuit.

(15) The counties of King George, Stafford, Spotsylvania, Caroline and Hanover and the city of Fredericksburg shall constitute the fifteenth circuit.

(16) The counties of Prince William and Fairfax and the city of Alexandria shall constitute the sixteenth circuit.

(17) The counties of Frederick, Clarke, Warren and Shenandoah shall constitute the seventeenth circuit.

(18) The counties of Augusta, Highland and Rockbridge and the city of Buena Vista shall constitute the eighteenth circuit.

(19) The counties of Bath, Alleghany, Craig and Botetourt and the city of Clifton Forge shall constitute the nineteenth circuit.

(20) The county of Roanoke and the city of Roanoke shall constitute the twentieth circuit.

(21) The counties of Pulaski, Carroll, Wythe and Grayson shall constitute the twenty-first circuit.

(22) The counties of Bland, Tazewell and Giles shall constitute the twenty-second circuit.

(23) The counties of Washington and Smyth and the city of Bristol shall constitute the twenty-third circuit.

(24) Until March fifteen, nineteen hundred fifty-eight, the counties of Russell and Scott shall constitute the twenty-fourth circuit, provided that on and after March fifteen, nineteen hundred fifty-eight, the counties of Lee and Scott shall constitute the twenty-fourth circuit.

(25) The counties of Rockingham and Page shall constitute the twenty-fifth circuit.

(26) The counties of Rappahannock, Fauquier and Loudoun shall constitute the twenty-sixth circuit.

(27) Until March fifteen, nineteen hundred fifty-eight, the counties of Buchanan and Dickenson shall constitute the twenty-seventh circuit, provided that on and after March fifteen, nineteen hundred fifty-eight, the counties of Buchanan, Dickenson and Russell shall constitute the twenty-seventh circuit.

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(28) The counties of Princess Anne and Isle of Wight * shall constitute the twenty-eighth circuit.

(29) The counties of Amherst and Nelson and the city of Waynesboro shall constitute the twenty-ninth circuit.

(30) The counties of Franklin and Pittsylvania shall constitute the thirtieth circuit.

(31) The counties of Accomack and Northampton shall constitute the thirty-first circuit.

(32) The city of Norfolk shall constitute the thirty-second circuit.

(33) Until March fifteen, nineteen hundred fifty-eight, the counties of Wise and Lee shall constitute the thirty-third circuit, provided that on and after March fifteen, nineteen hundred fifty-eight, the county of Wise shall constitute the thirty-third circuit.

(34) The counties of Halifax, Mecklenburg and Lunenburg shall constitute the thirty-fourth circuit.

(35) The county of Arlington shall constitute the thirty-fifth circuit.

(36) The counties of Floyd and Montgomery and the city of Radford shall constitute the thirty-sixth circuit.

(37) The county of Chesterfield shall constitute the thirty-seventh circuit.

(38) On and after July 1, nineteen hundred sixty, the city of Portsmouth shall constitute the thirty-eighth circuit. The judge of the twenty-eighth judicial circuit residing in the city of Portsmouth on July one, nineteen hundred sixty, shall be the judge of the thirty-eighth judicial circuit for the balance of the term for which elected as judge of the twenty-eighth judicial circuit and shall forthwith relinquish his office as judge of the twenty-eighth judicial circuit.

Should the federal census of nineteen hundred and sixty or other census provided for by law disclose that the counties of Hanover and Caroline have a combined population in excess of forty thousand inhabitants then the senior judge of the fifteenth circuit shall enter an order in the circuit courts of both of such counties setting out such fact. A certified copy of such order shall be transmitted by the clerk of each such court to the Secretary of the Commonwealth, who shall file and preserve the same in the records of his office and shall report to the Governor at once the fact that such counties have a combined population in excess of forty thousand, as disclosed by such census. The Governor, upon receiving such report, shall at once make proclamation of such fact, copies of which proclamation shall be certified to the clerks of each of the courts then constituting the fifteenth judicial circuit who shall endorse thereon the date when received and record the same in the common-law order books of such courts.

After such proclamation has been recorded in the manner hereinabove provided, the counties of Hanover and Caroline shall constitute the fifteenth judicial circuit, and the counties of King George, Stafford and Spotsylvania and the city of Fredericksburg shall become and constitute a new judicial circuit, designated and known as the thirty-**ninth* circuit.

In such event, the Governor shall designate which of the judges of the fifteenth judicial circuit shall continue to be the judge of that circuit, and which of such judges shall be the judge of the new thirty-**ninth* judicial circuit composed of the counties of King George, Stafford and Spotsylvania and the city of Fredericksburg.

§ 17-119.1. (a) For each judicial circuit consisting wholly of a county having a density of population, according to the last preceding United States census, of more than two thousand persons per square mile, and (b) for each judicial circuit adjoining such circuit, an additional circuit court judge shall be chosen who shall during his tenure reside within the circuit and whose compensation and powers, except as herein-

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after provided, shall be the same as now and hereafter prescribed for circuit judges, provided, however, that in each of the aforesaid judicial circuits having an additional circuit court judge, (c) there shall be chosen for each, respectively, another additional circuit court judge who shall, during his tenure, reside within the circuit and whose compensation and powers, except as hereinafter provided, shall be the same as now and hereafter prescribed for circuit judges or additional judges, as the case may be. (d) For each judicial circuit containing a city incorporated since the last preceding United States census and having a population of more than thirty-eight thousand but less than forty thousand, and (e) * *on and after July one, nineteen hundred sixty, for each judicial circuit containing a city having a population of more than two hundred thirty thousand and a county contiguous thereto having a population of more than fifty-seven thousand,* an additional circuit judge shall be chosen who shall during his tenure reside within the circuit and whose compensation and powers, except as hereinafter provided, shall be the same as now and hereafter prescribed for circuit judges. The office, and vacancies occurring therein, shall be filled in the manner and for the term provided by general law for the filling of vacancies in the office of judges of circuit courts or for choosing the judge when a new or additional circuit has been created.

On and after March fifteen, nineteen hundred fifty-eight (f) for each judicial circuit containing a city having a population of more than twelve thousand one hundred but less than twelve thousand two hundred and (g) for each judicial circuit containing a city having a population of more than ten thousand two hundred but less than ten thousand three hundred, and (h) for each judicial circuit containing a county having a population of more than thirty-five thousand five hundred but less than thirty-six thousand, and on and after January one, nineteen hundred fifty-nine, (i) for each judicial circuit consisting only of a single city, there shall be an additional circuit judge who shall during his tenure reside within the circuit and whose compensation and powers, except as hereinafter provided, shall be the same as now and hereafter prescribed for circuit judges. The office, and vacancies occurring therein, shall be filled in the manner and for the term provided by general law for the filling of vacancies in the office of judges of circuit courts or for choosing the judge when a new or additional circuit has been created.

On and after July one, nineteen hundred sixty, (j) for each judicial circuit containing a county having a population of more than forty-two thousand but less than forty-five thousand, there shall be an additional circuit judge who shall during his tenure reside within the circuit and whose compensation and powers, except as hereinafter provided, shall be the same as now and hereafter prescribed for circuit judges. The office, and vacancies occurring therein, shall be filled in the manner and for the term provided by general law for the filling of vacancies in the office of judges of circuit courts or for choosing the judge when a new or additional circuit has been created.

In any such judicial circuit where an additional judge is authorized and chosen under the provisions hereof, the judge who is senior in point of service as judge of the circuit for which he is so chosen shall be the senior judge of the circuit and shall have authority to assign the work of the circuit as between judges, but no order of court shall be necessary to establish the authority of either judge to act.

Except as hereinafter provided, the senior judge shall exclusively exercise all powers of appointment conferred upon circuit judges, except the appointment of guardians ad litem, guardians for infants, guardians or committees for insane or incompetents, receivers, personal representatives, counsel for indigents and any other appointment incident to the

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trial, hearing or disposition of any cause or action to be determined or acted upon by the court, which powers shall be exercised concurrently by the judges.

In each judicial circuit consisting wholly of a county having a density of population of more than two thousand persons per square mile, the senior judge and any additional judge or judges thereof shall exercise jointly all powers of appointment conferred upon circuit judges, except the appointment of guardians ad litem, guardians for infants, guardians or committees for insane or incompetents, receivers, personal representatives, counsel for indigents and any other appointment incident to the trial, hearing or disposition of any cause or action to be determined or acted upon by the court, which powers shall be exercised concurrently by the judges. Appointments by such judges on matters relating to such joint exercise of powers of appointment shall be in accordance with a majority vote of all such judges. In the event they are not able to obtain a majority the senior judge may make the appointment.

2. An emergency exists and this act is in force from its passage.

CHAPTER 195

An Act to amend and reenact § 18-217 of the Code of Virginia, relating to the protection of homing pigeons.

[H 161]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 18-217 of the Code of Virginia be amended and reenacted as follows:

§ 18-217. It shall be unlawful for any person at any time or in any manner to hunt, pursue, take, capture, wound, maim, disfigure, or kill any homing pigeon of another person, or to make use of any pit or pitfall, scaffold, cage, snare, trap, net, baited hook or similar device or drug, poison chemical or explosive, for the purpose of injuring, capturing or killing any such homing pigeon, *provided that any officer, employee or agent of a city or county acting pursuant to authority of an ordinance thereof may take, capture and kill pigeons in, on and about any building or structure devoted to business, commercial or industrial purposes when any pigeons are using such premises for roosting, resting or congregating thereon; all pigeons taken upon such premises shall be conclusively deemed not to be homing pigeons or the property of any person.*

Any person violating any of the foregoing provisions shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished accordingly.

CHAPTER 196

An Act to amend and reenact § 61-132 of the Code of Virginia, relating to duties of samplers and proprietors of tobacco warehouses.

[H 187]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 61-132 of the Code of Virginia be amended and reenacted as follows:

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§ 61-132. The samplers of each warehouse shall account for and pay to the proprietors thereof, on the tenth day of April, the tenth day of July, the tenth day of October, and the tenth day of January, in each year, all money received, or which ought to be received, by them, to the use of the proprietors. And * *each* proprietor of * *a* warehouse *selling loose leaf tobacco at auction* shall keep, free of charge to the planter and owner of *any such loose leaf* tobacco, * *valid* insurance * sufficient to cover * *any* loss * *caused by any of the perils insured against in the standard policy of fire insurance and the Extended Coverage Endorsement as now or hereafter approved by the State Corporation Commission for use in Virginia to such tobacco while in the custody of the proprietor for auction until such tobacco has been actually auctioned off and removed from the sales floor area by the owner thereof or until six o'clock post meridian of the calendar day following the auction of such tobacco, whichever sooner occurs;* and, for * failure so to do, * *the proprietor* shall be liable to the owner * *of such tobacco* for any * loss * *sustained* by reason of any partial or total destruction of * *such* tobacco by * *any of such causes; provided, however, that if the owner or buyer of such tobacco has specific or general insurance which, in the absence of the insurance required by the provisions of this section, does or would reimburse such owner or buyer for his loss, then and in that event there shall be no contribution from the proprietor or his insurance carrier with respect to such loss.*

CHAPTER 197

An Act to provide a new charter for the town of Bridgewater in Rockingham County, and to repeal Chapter 190 of the Acts of Assembly of 1835, passed February 7, 1835, and all acts amendatory thereof.

[H 277]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The inhabitants of the territory embraced within the limits of the town of Bridgewater as hereinafter defined or as the same may be hereafter altered or established by law shall constitute and continue a body politic and corporate, to be known and designated as the town of Bridgewater, and as such shall have and may exercise all powers which are now, or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein. No enumeration of particular powers by this charter shall be held to be exclusive.

The town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance.

§ 2. The territory embraced within the limits of the town of Bridgewater is as follows:

All that territory set forth and described by metes and bounds in § 1 of Chapter 112 of the Acts of Assembly of 1912, approved March 11, 1912.

§ 3. The powers set forth in §§ 15-77.5 through 15-77.70 of Chapter

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5.1 of Title 15 of the Code of Virginia as in force on January one, nineteen hundred sixty, are hereby conferred on and vested in the town of Bridgewater.

§ 4. The mayor shall be elected for a term of two years, at the time and in the manner provided by law, and his compensation shall be fixed by the council.

§ 5. The council shall consist of six electors of the town of Bridgewater, Virginia, who shall hold office for a term of two years from the first day of September next following the date of their election, and until their successors have been duly elected and qualified. The first municipal election under this charter shall be held on the second Tuesday in June, nineteen hundred sixty and on the second Tuesday in June every two years thereafter.

§ 6. On the second Tuesday in June, nineteen hundred sixty, and on the second Tuesday in June every two years thereafter, there shall be elected a town treasurer and a town assessor, each of whom shall hold office for a term of two years from the first day of September next following the date of his election and until his successor shall have been elected and qualified. The council may provide salaries for the town treasurer and the town assessor, or either of them, and fix the amounts, or amount, thereof.

The town treasurer shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct. The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at such times as the council may direct, such examination and audit to be reported to the council. The town assessor shall make all assessments which may be required by ordinance and shall perform such other duties as may be prescribed by council.

§ 7. All town officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation by law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the town as set forth in § 15-77.9 of Chapter 5.1 of Title 15 of the Code of Virginia as in force on January one, nineteen hundred sixty.

§ 8. All ordinances and resolutions heretofore made and adopted by the town, not in conflict with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town.

2. Chapter 190 of the Acts of Assembly of 1835, passed February 7, 1835, entitled "An Act to establish the town of Bridgewater in the county of Rockingham" and all acts amendatory thereof are hereby repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 198

An Act to amend and reenact § 14-5.2, as amended, of the Code of Virginia, relating to reimbursement of traveling expenses on business of town, city or county.

[H 334]

Approved March 7, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 14-5.2, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-5.2. Any person traveling on business of any county, except as hereinafter provided, wherein no part of the cost is borne by the State may be reimbursed by such county on a basis not in excess of that provided in § 14-5, and any person traveling on business of any town, city, or any county operating under the county manager *or county executive* form of organization and government provided for in Chapters 11 (§ 15-266 et seq.) or 12 (§ 15-345 et seq.) of Title 15 of this Code, wherein no part of the cost is borne by the State may be reimbursed by any such town, city or county on a basis and in a manner that the governing body of such town, city or county may provide.

CHAPTER 199

An Act relating to the jurisdiction of the courts of the county of Henrico with respect to real estate owned by the county situated in the city of Richmond and to certain acts or things done on such property.

[H 431]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. The Circuit Court of Henrico County and the county court of such county shall have, concurrently with the courts of record of the city of Richmond and with the civil and police justice courts of such city, jurisdiction to enforce police regulations of Henrico County, in or with respect to, and jurisdiction over all offenses committed in or upon the hereinafter described real estate owned by the county of Henrico and situated within the corporate limits of the city of Richmond; and no act or thing done by any court, judge, clerk of any court, any officer, board, commission, department or agency of the county of Henrico in or upon the following described property shall thereby be rendered invalid by reason of its location in the city of Richmond but shall have full force and effect as if such act or thing had been done or performed in the county of Henrico, such real estate being described as follows, to-wit:

Beginning at a stone marking the intersection of the north line of East Main Street with the east line of North 20th Street, thence northwardly along the east line of North 20th Street 165.09 feet to a point; thence, with a deflection to the right of 89° 58′ 30″, 143.00 feet to a point; thence, with a deflection to the right of 90° 01′ 30″, 49.48 feet to a point; thence, with a deflection to the right of 90° 05′ 30″, 43.00 feet to a point; thence, with a deflection to the left of 90° 05′ 30″, 115.90 feet to a point, on the north line of East Main Street; thence, along the north line of East Main Street 100.00 feet to the corner stone and point of beginning.

2. An emergency exists and this act is in force from its passage.

CHAPTER 200

An Act to amend and reenact § 46.1-423 of the Code of Virginia, concerning the denial of the privilege to operate a motor vehicle upon

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conviction of speeding in excess of sixty-five or seventy-five miles per hour.

[H 435]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-423 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-423. When any person shall be convicted of reckless driving for exceeding a speed of sixty-five or seventy-five miles per hour as the case may be upon the highways of this State under § 46.1-190 (i) or § 46.1-190 (l), then in addition to any other penalties provided by law, except in those cases for which revocation of licenses is provided in § 46.1-417, the operator's or chauffeur's license of such person shall be suspended by the court or judge for a period of not less than sixty days nor more than six months. In case of conviction the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.1-425. Where the conviction is a second conviction which would require revocation under the provisions of § 46.1-417, the court shall suspend the operator's or chauffeur's license of such person and thereupon transmit the same to the Division of Motor Vehicles as provided by law. If such person so convicted has not obtained a license required by Chapter 5 (§ 46.1-348 et seq.) of this title or is a nonresident, such court * *shall* direct in the judgment of conviction that * such person shall not drive or operate any motor vehicle in this State *for a period of not less than sixty days nor more than six months.*

CHAPTER 201

An Act to amend and reenact § 46.1-383 of the Code of Virginia, relating to examinations of operators and/or chauffeurs believed incompetent and providing for suspension, revocation or restriction of operating privileges under certain conditions.

[H 439]

Approved March 7, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-383 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-383. The Division shall, upon receipt of a record that * *an* operator or chauffeur has (1) been convicted of two traffic violations occurring during a period of one year in which the vehicle operated by him was in motion or (2) during a period of one year been involved as driver of a vehicle in two accidents involving personal injury or property damage in excess of fifty dollars, or having any other good cause to believe that * *an* operator or chauffeur is incompetent or otherwise not qualified under this chapter to be licensed, may, upon written notice of at least * *fifteen* days to the * *person* require him to submit to an examination to determine his fitness to operate a motor vehicle upon the highways of this State. Upon the conclusion of such examination, the Division shall take such action as may be appropriate and may suspend or revoke the license *or privilege to operate a motor vehicle in this State* of such person or permit him to retain such license *or privilege to operate a motor vehicle in this State,* or may issue a license subject to such restrictions as are authorized

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to be imposed by § 46.1-378. Refusal or neglect of the * *person* to submit to such examination or comply with such restrictions shall be grounds for suspension or revocation of his license *or privilege to operate a motor vehicle in this State.*

CHAPTER 202

An Act to amend the Code of Virginia by adding thereto a section numbered 51-28.1, to provide for last-survivor annuities for certain judges and commissioners, and how the amount thereof shall be determined and paid.

[S 218]

Approved March 3, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 51-28.1 as follows:

§ 51-28.1. A judge or commissioner who retires on account of age or disability may, at the time of his notifying the Governor of his retirement, elect, in lieu of the retirement salary in this chapter provided for, to receive a last-survivor annuity, which is an annuity during his lifetime and, after his death, an annuity of an equal or lesser amount to his widow during her lifetime. The annuity or annuities shall be paid in the same manner as the retirement salary.

The judge or commissioner may make the election in the notice to the Governor required by this chapter, and, if he dies within the ninety days preceding the date upon which such retirement was to become effective, the election shall be as valid as if he had lived until the day after the retirement date.

The present value or purchase price of the last-survivor annuity, computed upon the basis of the ages of the retiring judge or commissioner and his wife on the actual date of his retirement, shall be the mathematical or actuarial equivalent of the present value or purchase price of a life annuity of the retirement salary of the retiring judge or commissioner computed at his actual retirement age. The Comptroller shall determine, based on the value of such annuity on the scheduled date of retirement of any such judge or commissioner, the amount of compensation payable to such retirant or his widow and the Treasurer shall pay the same during their lives.

All computations under this section shall be upon the basis of such annuity mortality table as is prescribed by statute as a minimum basis for the valuation of annuity contracts issued by life insurance companies in this State with interest at two and one-half per centum per annum.

This section shall also apply to any judge or commissioner retiring under Article 6 of this Chapter; provided that any such officer shall have thirty days after the entry of the order retiring him to make the election hereinabove provided for by notifying the Governor thereof and all other provisions of this section shall apply in any such case.

2. An emergency exists and this act is in force from its passage.

CHAPTER 203

An Act to amend the Code of Virginia by adding a section numbered 15-15.2, relating to the power of certain counties to require that owners

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of property remove therefrom trash, garbage, refuse, litter, and other substances which might endanger the health of other county residents.

[H 104]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 15-15.2, as follows:

§ 15-15.2. The governing body of any county having a density of population greater than four thousand per square mile, or of any county having a population of more than forty thousand and wholly surrounding a city having a population of more than ninety thousand, or of any county having a population of more than forty and less than seventy thousand, and adjoining three cities with an aggregate population in excess of two hundred seventy thousand, may, in its discretion, provide by ordinance that the owners of property therein shall remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health of other county residents at such time or times as the governing body shall prescribe; or the governing body may, whenever it deems it necessary, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other county residents removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes and levies are collected.

2. An emergency exists and this act is in force from its passage.

CHAPTER 204

An Act to amend and reenact § 46.1-3 of the Code of Virginia, relating to removal and disposition of unattended or abandoned vehicles.

[H 117]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-3 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-3. The governing body of any county, city or town is authorized to provide by ordinance that whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law *or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within any such county, city or town, or is abandoned upon such privately owned property, without the permission of the owner, lessee or occupant thereof,* any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area, *provided, however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant thereof. Any such ordinance may also provide that the person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify such county, city or town against any loss or expense incurred by reason of removal, storage or sale thereof.* Each removal shall

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be reported immediately to a central office to be designated in the ordinance, and notice thereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner *of such vehicle or trailer or semitrailer,* before obtaining possession * *thereof,* shall pay to the county, city or town all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should * *such* owner fail or refuse to pay the cost or should the identity or whereabouts of * such owner be unknown and unascertainable after a diligent search has been made, and after notice to * *him* at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles in Virginia against the motor vehicle, trailer or semitrailer, the officer designated by the governing body of the county, city or town may, after holding the motor vehicle, trailer or semitrailer ninety days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the treasurer or similar officer of the county, city or town. The treasurer or similar officer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

If no claim has been made by the owner for the proceeds of such sale, after the payment of the abovementioned cost, the funds may be deposited to the general fund or any special fund of such county, city or town. Any such owner shall be entitled to apply to the county, city or town within three years from the date of such sale and if timely application is made therefor, the said county, city or town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.

CHAPTER 205

An Act to amend the Code of Virginia by adding a section numbered 14-155.13, prescribing additional compensation for clerks of certain courts.

[H 232]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 14-155.13 as follows:

§ 14-155.13. In any county adjoining a city having a population of more than two hundred thousand and in any county adjoining another county having a population of more than one thousand per square mile, the clerk of a court of record in any such county which court has jurisdiction in a city shall receive a sum of one thousand dollars for each additional city served by such court and clerk.

CHAPTER 206

An Act to amend and reenact § 63-373.1, as amended, of the Code of Virginia, relating to offenses committed by juveniles in the custody of the Department of Welfare and Institutions.

[H 272]

Approved March 8, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 63-373.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 63-373.1. (1) Whenever a juvenile, fourteen years of age or over, while in the custody of the State Department of Welfare and Institutions to which he has been committed, commits an offense bringing such juvenile within the purview of the juvenile court law, the Director of the Department of Welfare and Institutions may, in his discretion proceed against such child for the offense in the juvenile court having jurisdiction. And if it shall then be determined that such juvenile should be dealt with as an adult, it shall be done in accordance with * §§ *16.1-176, 16.1-177 and 16.1-177.1* of the Code of Virginia.

*

(2) Whenever a juvenile, fourteen years of age or over, who has been committed to the custody of the State Department of Welfare and Institutions escapes two or more times from such custody and is found guilty of such escapes by a court having jurisdiction to hear the same, such escapes may in the discretion of said court be considered as a misdemeanor and such juvenile may be found guilty of a misdemeanor and punished accordingly. *

CHAPTER 207

An Act to amend and reenact §§ 63-78 and 63-96 of the Code of Virginia, relating, respectively, to service of the local superintendent and employees and services required of the local superintendent.

[H 273]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 63-78 and 63-96 of the Code of Virginia be amended and reenacted as follows:

§ 63-78. The local superintendent and other employees shall serve at the pleasure of the local board, subject to the provisions of the Merit System Plan as defined in § 63-101 and if such other employees be employed by the local superintendent they shall serve at the pleasure of the local superintendent, within the provisions of the Merit System Plan; *provided, however, that on and after July 1, 1961, in no event shall an employee serve after attaining the age seventy.*

§ 63-96. The local superintendent shall perform those services required of him under * § *16.1-205.*

CHAPTER 208

An Act to amend and reenact §§ 21-6 and 21-29, as amended, 21-37, 21-38, and 21-41 of the Code of Virginia, relating to the State Soil Conservation Committee, formation of soil conservation districts, and election of supervisors.

[H 308]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 21-6 and 21-29, as amended, 21-37, 21-38 and 21-41 of the Code of Virginia, be amended and reenacted as follows:

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§ 21-6. There is established, to serve as an agency of the State and to perform the functions conferred upon it in this chapter, the State Soil Conservation Committee. The Committee shall consist of not less than * *eleven* and not more than * *twelve* members. The following shall serve, ex officio, as members of the Committee: the Director of Conservation and Development, the director of the State agricultural extension service, the director of the State agricultural experiment station located at Blacksburg, and the State Commissioner of Agriculture and Immigration. One member of the Committee shall be appointed by the Governor to serve at the pleasure of the Governor, for a term coincident with that of the Governor making the appointment; vacancies in the office of such appointed member shall be filled by the Governor. * *Six* members of the Committee shall be farmers, appointed by the Governor from a list of * *twelve* qualified nominees submitted by the Executive Committee of the Association of Soil Conservation Districts and the State Soil Conservation Committee in joint session, each for a term of three years. * *Members in office when this section as hereby amended becomes effective shall continue in office for the terms for which appointed. Members appointed initially to fill the vacancies created by this section as hereby amended* shall serve for one, two and three years respectively. * *Other* appointments to fill * vacan*cies* shall be made in the same manner as described above, except that such appointments shall be for the unexpired terms only. The Committee may invite the Secretary of Agriculture of the United States of America to appoint one person to serve with the above-mentioned members as a member of the Committee; the term of any member so appointed shall be for one year, except that an appointment to fill a vacancy shall be for the unexpired term. The Committee shall keep a record of its official actions, shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter.

§ 21-29. The Secretary of the Commonwealth shall examine the application and statement and, if he finds that the name proposed for the district is not identical with that of any other soil conservation district of this State or so nearly similar as to lead to confusion or uncertainty, he shall receive and file them and shall record the application in an appropriate book of record in his office. If the Secretary of the Commonwealth shall find that the name proposed for the district is identical with that of any other soil conservation district of this State, or so nearly similar as to lead to confusion and uncertainty, he shall certify such fact to the State Soil Conservation Committee, which shall thereupon submit to the Secretary of the Commonwealth a new name for the district, which shall not be subject to such defects. Upon receipt of such new name, free of such defects, the Secretary of the Commonwealth shall record the application, with the name so modified, in an appropriate book of record in his office. When the application and statement have been made, filed and recorded, as herein provided, the district shall constitute a governmental subdivision of this State and a public body corporate and politic. The Secretary of the Commonwealth shall make and issue to the supervisors a certificate, under the lesser seal of the Commonwealth, of the due organization of the district and shall record such certificate with the application and statement. The boundaries of such district shall include the territory as determined by the Committee as aforesaid, but shall not include any area included within the boundaries of another soil conservation district organized under the provisions of this chapter, except in the case of the division of an existing district as provided in this article. *Whenever any area included within the boundaries of a district is situated within the corporate limits of a city or town, such area shall cease to be a part of or*

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included within such district. The name of any soil conservation district may be changed if a petition for such change is subscribed by twenty-five or more landowners from each county comprising the district and adopted by resolution of the supervisors at any regular meeting. The supervisors shall submit a copy of such resolution to the Committee and, if the Committee concurs, it shall present the resolution, together with a statement certifying its concurrence, to the Secretary of the Commonwealth who, if it be free from such defects as outlined herein, shall file the resolution and issue a new (or amended) certificate of organization.

§ 21-37. The names of all nominees, on behalf of whom such nominating petitions have been filed within the time herein designated, shall be furnished the secretary of the electoral board of each county * which constitutes the district, or a part of the district. The names of such nominees shall be printed upon ballots, which ballots shall be printed, voted, counted and canvassed in conformity with the provisions of general law relating to elections, except as herein otherwise provided.

§ 21-38. If the district embrace more than one county *, either in whole or in part, the result of the election shall be canvassed by the Board of State Canvassers; if the election be held at any other time than that fixed for the general election in November, the canvass shall be made as in the case of a special election to fill a vacancy.

§ 21-41. The * expenses of such elections * *shall be paid by the counties concerned; provided that if the election be held at any other time than that fixed for the general election in November, such expenses shall be paid by the Committee. The State Board of Elections* shall publish, or cause to be published within the district, the results of the election.

CHAPTER 209

An Act to authorize the Commissioner of the Division of Motor Vehicles to rescind certain revocations or denials of registration made pursuant to § 46.1-167.2 of the Code of Virginia.

[H 313]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. The Commissioner of the Division of Motor Vehicles may, for good cause shown, rescind any revocation or any operator's or chauffeur's license or denial of registration made between October one, nineteen hundred fifty-eight and March fourteen, nineteen hundred sixty pursuant to § 46.1-167.2 of the Code of Virginia, as that section existed on January one, nineteen hundred sixty, upon the application of such person and upon payment of the fee prescribed in § 14-167.1.

2. An emergency exists and this act is in force from its passage.

CHAPTER 210

An Act to permit the governing bodies of certain counties to lease lands designated on the county master plan as being intended for future public use.

[H 338]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The governing body of any county having a density of popula-

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tion in excess of four thousand per square mile may acquire by lease, with or without an option or options to purchase, any land which has been designated on the master plan adopted for such county as being intended for future use for any public purpose; provided, that no such lease shall be for a period in excess of ten years, nor shall any such leasehold interest be acquired by eminent domain.

CHAPTER 211

An Act to amend the Code of Virginia by adding thereto a section numbered 15-707.1, authorizing the governing body of any county, city or town to provide for adequate drainage of any and all areas within such county, city or town, and for the acquisition by purchase, lease, condemnation or otherwise of certain property needed for such purpose.

[H 350]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 15-707.1 as follows:

§ 15-707.1. The governing body of any county, city or town shall have power to provide for adequate drainage of any and all areas in the county, city or town, and to effectuate such power may install and maintain drainage systems, and acquire, by gift, purchase, lease, condemnation or otherwise, lands, buildings, structures or any interest therein and may appropriate money therefor. The power of eminent domain is vested in any such governing body to the extent necessary to effect such acquisition.

The provisions of this section as to the power of condemnation shall be subject to the provisions of § 25-233 of the Code of Virginia.

It is the intention of the General Assembly that this act shall be liberally construed to effectuate the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

2. An emergency exists and this act is in force from its passage.

CHAPTER 212

An Act to amend and reenact § 1 of Chapter 230 of the Acts of Assembly of 1958, approved March 7, 1958, providing for establishment of a special police force in certain counties.

[H 371]

Approved March 8, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Chapter 230 of the Acts of Assembly of 1958, approved March 7, 1958, be amended and reenacted as follows:

§ 1. The governing body of any county which adjoins a city having a population of more than thirty-five thousand but less than forty thousand and having located therein a Hustings Court, *or of any county having a population of more than sixteen thousand three hundred but less than seventeen thousand, or of any county having a population of more than*

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forty thousand and wholly surrounding a city having a population of more than ninety thousand, shall have the power to establish a police force to be known as a Special County Police Department.

CHAPTER 213

An Act to provide a charter for the city of Colonial Heights, and to repeal Chapter 144 of the Acts of Assembly of 1950, entitled "An act to provide a new charter for the city of Colonial Heights . . .", as amended.

[H 128]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

CHAPTER 1
INCORPORATION AND BOUNDARIES

§ 1.1 *Incorporation.*

The inhabitants of the territory comprised within the limits of the City of Colonial Heights, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of the City of Colonial Heights, and as such shall have perpetual succession, may sue and be sued, contract and be contracted with and may have a corporate seal which it may alter, renew or amend at its pleasure.

§ 1.2. *Boundaries.*

The corporate limits of the City of Colonial Heights shall be those set forth in Chapter 144 of the Acts of Assembly of 1950 and changed and altered by decrees entered in the Circuit Court of Chesterfield County, Virginia, in the annexation proceedings styled P. W. Covington, and others, versus City of Colonial Heights, and others, and Charles Berberich, and others, versus City of Colonial Heights, and others.

CHAPTER 2
POWERS

§ 2.1. *General grant of powers.*

The city shall have and may exercise all powers which are now or may hereafter be conferred upon or delegated to cities under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of a city government, the exercise of which is not expressly prohibited by the said constitution and laws and which in the opinion of the council are necessary or desirable to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants, as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers.

§ 2.2. *Powers enumerated by the General Statutes of Virginia.*

The powers set forth in Section 15-77.1 through 15-77.70 of Chapter 5.1 of the Code of Virginia of 1950 as in force on November 1, 1959, are hereby conferred on and vested in the City of Colonial Heights.

§ 2.3. *Other Powers.*

In addition to the powers granted by other Sections of this Charter, the City shall have the power:

(a) To impose special or local assessments for local improvement and force payment thereof, subject, however to such limitations prescribed by

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the Constitution and Laws of Virginia, as may be in force at the time of the imposition of such special or local assessments.

(b) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary to pay the debts and defray the expenses of the city, in such manner as the council shall deem expedient, provided, that such taxes and assessments are not prohibited by the laws of the Commonwealth. In addition to, but not as a limitation upon, this general grant of power the city shall when not prohibited by the laws of the Commonwealth, have power to levy and collect ad valorem taxes on real estate and tangible personal property and machinery and tools and a capitation tax not exceeding one dollar per annum on each resident of the Commonwealth within the limits of the city; to levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, sport or athletic event in the city, which taxes may be added to and collected with the price of such admission or other charge; unless prohibited by general law to require licenses, prohibit the conduct of any business, profession, vocation or calling without such a license, require taxes to be paid on such licenses in respect of all businesses, professions, vocations and callings which cannot, in the opinion of the council, be reached by the ad valorem system; and to require licenses of owners of vehicles of all kinds for the privilege of using the streets, alleys and other public places in the city, require taxes to be paid on such licenses and prohibit the use of streets, alleys and other public places in the city without such license; provided, however, that nothing herein contained shall be construed as permitting the city to levy and collect directly or indirectly a tax on payrolls.

(c) To appropriate, without being bound by other provisions of this charter, in an amount of not more than five per cent of the receipts of the preceding fiscal year for the purpose of meeting a public emergency threatening the lives, health or property of the inhabitants of the city, provided that any such appropriation shall require the affirmative votes of a majority of the entire council and that the ordinance making such appropriation shall contain a clear statement of the nature and extent of the emergency.

(d) To control and regulate the use and management of all property of the city, real and personal, and specifically to rent or lease under such regulations as the school board shall deem expedient, school buildings, lands, grounds and equipment to persons or organizations for such health, educational, civic or recreational purposes as the school board shall deem prudent and beneficial to the community.

(e) To acquire, construct and maintain or authorize the construction and maintenance of bridges, viaducts or underpasses over or under any stream, creek or ravine when any portion of such bridge, viaduct or underpass is within the city limits, and to require compensation for their use by public utility, transmission or transportation companies, except as the right to require such compensation is affected by any contract heretofore or hereafter made with the company concerned.

(f) To provide for the prevention of vice, immorality, vagrancy, street begging and drunkenness; prevention and quelling of riots, disturbances and disorderly assemblages; suppression of houses of ill-fame and gambling places; prevention of lewd and disorderly conduct or exhibitions; and prevention of conduct in the streets dangerous to the public; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

(g) To regulate the construction, maintenance and repair of buildings and other structures and the plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel, and air conditioning installations therein, for the purpose of preventing fire and other dangers to life and health.

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(h) To establish, construct, maintain, regulate, and operate public employment bureaus, public markets, public improvements of all kinds, including municipal and other buildings, armories, jails, comfort stations, and all buildings and structures necessary or appropriate for the use in proper operation of the various departments of the city and to acquire by condemnation or otherwise, all lands, riparian or other rights and easements necessary for such improvements or any of them; and to make and enforce such regulations as shall be necessary to prevent huckstering, forestalling or regrating.

(i) To establish, open, widen, extend, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter or close the same; to establish and maintain parks, playgrounds and such public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets and highways, abolish and prevent grade crossings over the same by railroads in the manner prescribed by general law for elimination of grade crossings; to require any railroad company operating a railroad at the place where any highway or street is crossed within the city limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof or keep a flagman at such crossing during such hours as the council may require, in accordance with the provisions of §§ 56-406.1 and 56-406.2 and other sections of the Code of Virginia and to regulate the length of time such crossings may be closed due to any operations of the railroads in accordance with §§ 56-412.1 and 56-412.2 of the Code of Virginia; to regulate the operations, weight of load, and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains, or railroads within the city; to regulate the service to be rendered, including route traversed, and rates charged by buses, motor cars, cabs and other vehicles for carrying passengers for hire and by vehicles for the transfer of baggage; to permit railroads and bus lines to be built in the streets and alleys; and to determine and designate the route and grade thereof; and to specify and require the proper construction and maintenance of the streets between the rails and on either side thereof for such distance as such streets may be affected by the construction, operation, repair or maintenance of such railroads, bus lines, and to require the construction of so much of said street as may be damaged by the removal of such railroad or bus line; to permit or prohibit poles and wires for electric, telephone and telegraph purposes, to be erected and gas pipes to be laid in streets and alleys, and to prescribe and collect an annual charge for such privileges, heretofore or hereafter granted; to require the owner or lessee of any electric light, telephone or telegraph pole, or poles or wires now in use or hereafter erected, to change the location or move the same; to open, lay out, and improve new streets across the track or tracks, yard or yards, of any railroad in the city and any such new or existing street or streets may cross any such track or tracks, of any railroads in the city, in the discretion of the council, either at grade, or pass above or below any such existing structure or structures; provided, that after due notice to such railroad company and full opportunity to be heard, and after the council shall have decided whether such crossing shall be made at grade, or pass above or below any such existing structure or structures, the plans and specifications for such crossing, as the council shall have determined upon, shall be submitted to the principal agent of such railroad company in the city, and in the event the city and railroad company cannot, within sixty days thereafter, agree upon such plans and specifications, or cannot agree in regard to the division of the cost of constructing such crossing, then

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the city shall submit such plans and specifications to the State Corporation Commission, and the State Corporation Commission, after reasonable notice to such railroad company and after hearing such evidence as either party may adduce, shall approve, or revise and approve, the plans for such crossing as the council shall have determined shall be made, or substitute such other plans or character of crossing, whether at grade, overhead or underpass, as the State Corporation Commission may deem proper under all the facts, circumstances and conditions in the case; the said improvements shall be made by the company whose track is to be crossed and the expense thereof shall be borne as provided by the general law, and after such crossing shall have been constructed, it shall be maintained by such railroad company or by the lessee thereof; and to do all other things whatsoever adapted to make said streets and highways safe, convenient and attractive.

(j) To acquire by gift, purchase, exchange, or by the exercise of the power of eminent domain within this State, lands, and any interest or estate in lands, rock quarries, gravel pits, sand pits, water and water rights, and the necessary roadways thereto, either within or without the city and acquire and install machinery and equipment, and to build the necessary roads or tramroads thereto; and operate the same for the purpose of producing materials required for the construction, repair and maintenance of streets, highways, sidewalks, waterworks, reservoirs, sewer, electric lights and public buildings in the city; and to acquire by gift, purchase, exchange, or by the exercise of the power of eminent domain within this State, lands and machinery and equipment, and build and operate a plant or plants for the preparation and fixing of materials for the construction of improved streets and other public improvements, and the maintenance and repair thereof; and to build and operate coal tipples and yards in connection therewith.

(k) To collect and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and to make reasonable charges therefor; and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; to contract for and regulate the collection and disposal thereof, and to require and regulate the collection and disposal thereof and to regulate the disposal of commercial and industrial garbage and refuse and to make such additional reasonable charges as are necessary and commensurate with the volume of commercial and industrial garbage and refuse collected or disposed of at such additional charges as are reasonable to dispose of commercial or industrial garbage or refuse in a sanitary and healthful manner.

(l) To regulate or prevent slaughter houses or other noisome or offensive business within said city, the keeping of hogs, dogs, cats, cattle or other animals, poultry or other fowls therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the boards, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the city; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, snow and unsightly deposits.

(m) To provide by ordinance for a system of meat and milk inspection, and appoint meat and milk inspectors, agents, or officers to carry the same into effect, within the corporate limits of the said city; to license, regulate, control and locate slaughter houses within the corporate limits of the city; and for such services of inspection to make reasonable charges;

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and to provide such reasonable penalties for the violation of such ordinances.

(n) To acquire by purchase, gift, devise, condemnation or otherwise, lands, within, or acquire by purchase, gift, devise or otherwise lands without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead, including the establishment and maintenance of a crematory. Subject to limitations prescribed by the Constitution and the Laws of Virginia, the city may remove at its own expense, abandoned graves or abandoned grave yards to public city-maintained cemeteries.

(o) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of the same or any of them within the city.

(p) To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries, of the city, or its inhabitants.

(q) To contract with the County of Chesterfield or the City of Petersburg regarding the health and welfare of the citizens residing in said city, pending the setting up of a Board of Health and Welfare Department in said city; and also regarding any water, sewer, sewer disposal, garbage disposal or other municipal functions which may be for the best interest of the citizens of said city and said county or the City of Petersburg.

(r) To regulate the speed of vehicles and parking in private parking and general shopping areas, upon the request of and with the consent of the owners thereof.

(s) To extinguish and prevent fires and to compel citizens to render assistance to the fire department in case of need, and to establish, regulate, and control a paid or voluntary fire department or division; to regulate the size, height, materials and constructions of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, damage by fire, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate, from time to time, fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged or repaired, and to direct any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron, or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(t) To charge and to collect fees for permits to use public facilities and for public service and privileges.

(u) To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace or safety of the city, from coming to said city from without the same; and for this purpose to require the owner of any conveyance other than a common carrier bringing such person to the city to take such person back to the place when he was brought, or enter into bond with satisfactory security that such person shall not become a charge upon said city within one year from the date of his arrival; also to expel from the city all persons found therein dangerous to the peace, safety, and welfare of the city.

(v) If any ground in the said city shall be subject to be covered by stagnant water or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the

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said council may cause such ground to be filled up, raised, or drained, or may cause such substance to be covered or removed therefrom, provided, that reasonable notice shall be first given to said owner or occupant or his agent. In case of nonresident owners who have no agent in said city, such notice may be given by publication for not less than ten days in any newspaper having general circulation in said city, and in addition notice shall be sent by registered mail to his last known address.

(w) To direct or prevent the location of all buildings for storing gunpowder or other explosive or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosives or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons.

(x) To levy on and collect taxes from purchasers of any public utility service, which taxes may be added to and collected with the bills rendered purchasers of such service.

(y) To raise annually by taxes and assessments in the city such sums of money as the council shall deem necessary for the purposes of the city, and in such manner as the council of the city shall deem expedient, in accordance with the Constitution of this State and the United States; provided, however, that it shall impose no tax on the bonds of the city; and the council of the city may make said taxes and assessments payable at such times and in such installments as it may deem proper, and may add thereto a percentage not exceeding five per centum thereon, if such taxes and assessments, or any installment thereof, be not promptly paid, and may also charge interest on each installment of said taxes and assessments at the rate of six per centum per annum until paid.

CHAPTER 3
ELECTIONS

§ 3.1. *Election and Composition of Councilmen.*

The council shall consist of seven members, who shall be elected by the qualified voters of the city on a general ticket at large, and shall serve for a term of four years from the first day of September next following the date of their election and until their successors shall have been duly elected and qualified. The members of the council in office at the effective date of this charter are hereby continued in office for the terms for which they were elected. On the second Tuesday in June, 1960, there shall be elected by the qualified voters of the city of Colonial Heights four councilmen, and on the second Tuesday in June, 1962, there shall be elected three councilmen, and on the second Tuesday in June in each succeeding two years thereafter there shall be elected four or three councilmen as the case may be, to fill the vacancies to be caused by the expiration of the terms of office of the councilmen whose terms of office expire that year. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. The council may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. A majority of all the members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

§ 3.2 *Nomination of Candidates for Council.*

Candidates for the office of councilmen may be nominated by petition or under general law. There shall be printed on the ballots used in the election of councilmen the names of all candidates who have been so nominated. The requirements for nomination by petition shall be:

(a) Any qualified voter of the city may be nominated by filing not less

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than sixty days before such election, with the Clerk of the Circuit Court having jurisdiction of the city a petition signed by not less than fifty qualified voters of the city; each signature to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto, together with the notice of candidacy required by the general laws of the Commonwealth relating to elections.

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate, and the street address of the residence of the persons signing the same.

The requirements for nomination under general law shall be as therein prescribed.

§ 3.3 *Conduct of General Municipal Election.*

The ballots used in the election of councilmen shall be without any distinguishing mark or symbol. Each qualified voter shall be entitled to vote for as many persons as there are vacancies to be filled, and no more; and no qualified voter shall cast more than one vote for the same person. In counting the vote any ballot found to have voted for a greater number of names for the office of councilman than the number of vacancies in the council to be filled shall be void, but no ballot shall be void for containing a less number of names than is permitted hereby. The candidates equal in number to the places to be filled, who shall receive the highest number of votes cast in such election, shall be declared elected. The general laws of the Commonwealth relating to the conduct of elections, so far as pertinent, shall apply to the conduct of a general municipal election.

§ 3.4. *Vacancies in Office of Councilman.*

Vacancies in the office of councilman, from whatever cause arising, shall be filled for the unexpired portion of the term by majority vote of the remaining members of the council. If the council shall fail to fill a vacancy in its membership within ninety days of the occurrence of the vacancy, such vacancy shall be filed by appointment by the judge of the court of record having jurisdiction of the city.

§ 3.5. *Election of Other City Officers.*

All other city officers required by the laws of the Commonwealth to be elected by the qualified voters of the city shall be elected on the first Tuesday following the first Monday in November preceding the expiration of the terms of office of their respective predecessors, for such terms as are prescribed by law. All such elective officers shall be nominated and elected as provided in the general laws of the Commonwealth. A vacancy in the office of commissioner of revenue, city treasurer, or city sergeant shall be filled by the council by majority vote of all its members for the interim period until a successor is elected at the next general election and takes office, as is provided in the Code of Virginia. The officers so elected or appointed shall qualify in the mode prescribed by law and shall continue in office until their successors are elected and qualified.

CHAPTER 4
COUNCIL

§ 4.1. *Composition.*

The council shall consist of seven members elected as provided in Chapter 3. They shall receive in full compensation for their services the sum of Fifty Dollars per month and shall not be entitled to any other allowance of any kind except that the mayor or vice-mayor or members of council, subject to the approval of council, may be allowed actual expenses incurred in representing the city. No member of the council shall during the term for which he was elected and one year thereafter be eligible to hold or be appointed as judge, substitute or associate judge of the municipal court or juvenile and domestic relations court or to any office of profit under the government of the city.

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§ 4.2. *Powers.*

All powers vested in the city shall be exercised by the council except as otherwise provided in this charter. In addition to the foregoing, the council shall have the following powers:

(a) To provide for the organization, conduct and operation of all departments, bureaus, divisions, boards, commissions, offices and agencies of the city.

(b) To create, alter or abolish departments, bureaus, divisions, boards, commissions, offices and agencies other than those specifically established by chapters 16.6 and 20.2 of this charter.

(c) Upon recommendation of the city manager, to assign and reassign to departments, all bureaus, divisions, offices, agencies, departments and functions thereof except the city school board and constitutional officers.

(d) To provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city, subject to the case of members of the classified service to the provisions of Chapter 9 of this charter.

(e) To provide for the form of oaths and the amount and conditions of surety bonds to be required of certain officers and employees of the city.

§ 4.3. *Mayor.*

On the first day in September, 1960, and on the first day of September of every second year thereafter, or if such day shall fall on Sunday or a holiday then on the following day, the newly elected council, having taken the oath of office as hereinafter provided, shall proceed to choose by majority vote of all the members thereof one of their number to be mayor and one to be vice-mayor for the ensuing two years. The mayor shall preside over the meetings of the council and shall have the same right to vote and speak therein in all proceedings as other members, but no veto. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of the military law and the service of civil process. The vice-mayor shall in the absence or disability of the mayor, perform the duties of mayor, and if a vacancy shall occur in the office of mayor shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor, the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. The mayor, in addition to his salary as a Councilman, may receive a salary up to an additional salary of $50.00 per month.

§ 4.4. *City Clerk.*

The council shall appoint a city clerk for an indefinite term. He shall be the clerk of the council, shall keep the journal of its proceedings and shall record all ordinances in a book kept for the purpose. He shall be the custodian of the corporate seal of the city and shall be the officer authorized to use and authenticate it. All records in his office shall be public records and open to inspection at any time during regular business hours. He shall receive compensation to be fixed by the council. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, an assistant city clerk, who shall be authorized to act as city clerk in the absence or disability of the city clerk, and all deputies and other employees in his office, and shall have such other powers and duties as may be prescribed by this charter or by ordinance.

§ 4.5. *Induction of Members.*

The first meeting of a newly elected council shall take place in the council chamber in the city hall at eight o'clock P. M. on the first day of September following their election, or if such day shall fall on Sunday or a holiday, then on the following day. It shall be called to order by the city clerk who shall administer the oath of office to the duly elected members. In the absence of the city clerk the meeting may be called to order and the oath administered by any judicial officer having jurisdiction in the city. The

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council shall be the judge of the election and qualifications of its members, but the decision of the council in this matter shall be subject to review by the judge of the court of record having jurisdiction in the city of Colonial Heights. The first business of the council shall be the election of a mayor and vice-mayor and the adoption of rules of procedure. Until this business has been completed the council shall not adjourn for a period longer than forty-eight hours.

§ 4.6. *Rules of Procedure.*

The council shall have power, by resolution and subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall be not less frequently than once each month. They shall also provide for calling of special meetings by the mayor, the city manager or any two members of the council and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council.

§ 4.7. *Voting and Meetings.*

No ordinance, resolution, motion or vote shall be adopted by the council except at a meeting open to the public. All voting except on procedural motions shall be by roll call and the ayes and noes shall be recorded in the journal. No member of the council shall participate in the vote on any ordinance, resolution, motion or vote in which he, or any person, firm or corporation for which he is attorney, officer, director, employee, or agent, has a financial interest other than as a minority stockholder of a corporation or as a citizen of the city. All meetings of the council, except as hereinafter provided, shall be public and any citizens may have access to the minutes and records thereof at all reasonable times. Notwithstanding any other provisions of this section a majority of the members of the council may by a recorded vote declare that the public welfare demands an executive session.

§ 4.8. *Ordinances, When Required.*

In addition to such acts of the council which are required by the Constitution or general laws of the Commonwealth or by this charter to be by ordinance, every act of the council creating, altering or abolishing any department, or creating, altering, assigning or abolishing any bureau, division, office, agency or employment, fixing the compensation of any officer or employee of the city, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

§ 4.9. *Form of Ordinances.*

Every ordinance except the annual appropriation ordinance and any ordinance codifying ordinances shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in typewritten or printed form or a combination of both. All proposed ordinances, except codifications or revisions, which repeal or amend existing ordinances shall set forth in full the section or subsection to be repealed or amended and, if it is to be amended, shall indicate matter to be omitted by enclosing the same in brackets and new matter by underscoring or, if more convenient, shall be accompanied by a clear and complete written statement of matter omitted and new matter shall be used except that strikeout type may be substituted for brackets and shall substantially be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS". Unless another date is specified therein and except as otherwise provided in this charter, an ordinance shall take effect on the tenth day following its passage.

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§ 4.10. *Procedure for Passing Ordinances.*

An ordinance may be introduced by any member or committee of the council or by the city manager at any regular meeting of the council or at any special meeting when the subject thereof has been included in the notice for such special meeting or been approved by a majority vote of all elected members of the council. Upon introduction it shall receive its first reading and a time, not less than seven days after such introduction, and place shall be set at which the council or a committee thereof will hold a public hearing on such ordinance, other than an emergency ordinance, provided that the council may reject any ordinance on first reading without a hearing thereon by a vote of a majority of the elected members. The hearing may be held separately or in connection with a regular or special meeting of the council and may be adjourned from time to time. Every ordinance of a general and permanent nature shall be published in full once within ten days after its final passage by posting a copy thereof at the front door of the municipal building and at two other public places in the city or when ordered by the council by publication in a newspaper published or circulated in the city for such time as the council may direct; provided, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation or codification of ordinances printed by the authority of the council. It shall be the duty of the city clerk, within three working days after the introduction of an ordinance, to cause its full text to be printed or otherwise reproduced, as the council may by resolution direct, in sufficient numbers to supply copies to those who individually request them, or, if the council shall so order, to cause the same to be published as a paid advertisement in a newspaper of general circulation in the city. It shall further be his duty to place a copy of the ordinance in a file provided each member of the council for this purpose. A proposed ordinance, unless it be an emergency ordinance, shall be read a second time and may be finally passed at the meeting of the council following the introduction of the ordinance and after the conclusion of the public hearing thereon. If on its second reading an ordinance, other than an emergency ordinance, be amended as to its substance it shall not be passed until it shall be reprinted, reproduced or published as amended and a hearing shall be set and advertised and all proceedings had as in the case of a newly introduced ordinance.

§ 4.11. *Emergency Ordinances.*

An emergency ordinance, which is an ordinance for the immediate preservation of the public peace, property, health or safety or providing for the daily operation of a municipal department, may be read a second time and passed with or without amendment at any regular or special meeting subsequent to the meeting at which the ordinance was introduced. An emergency ordinance must contain a specific statement of the emergency claimed and affirmative votes of a majority of the entire council shall be necessary for its adoption. All emergency measures shall take effect at the time indicated therein.

§ 4.12. *Submission of Propositions to the Qualified Voters of the City.*

The council shall have authority, by resolution, to submit to the qualified voters of the city for an advisory referendum thereon, any proposed ordinance or amendment to the city charter, not less than thirty nor more than sixty days after the passage of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by § 24-141 of the Code of Virginia. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten per cent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding and verified

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as hereinafter provided, is filed with the city clerk he shall forthwith certify that fact to the council. The signatures to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto. Upon the certification of such petition the council shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the results thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment, such result shall be communicated by the city clerk to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

§ 4.13. *Record and Publication of Ordinances.*

Every ordinance after passage shall be given a serial number and shall be recorded by the clerk in a properly indexed book kept for that purpose. Within one year after the first day in September 1960, there shall be prepared under the direction of the city attorney, who is hereby authorized to employ such assistance as he deems necessary for the purpose, a codification or revision of all ordinances in force. Such codification shall be passed by the council as a single ordinance and without prior publication. Upon its passage, it shall be published in bound or loose-leaf form. This codification, to be known and cited officially as the city code, shall be furnished to city officers and shall be sold to the public at a price to be fixed by the council. A similar codification shall be prepared, passed, published and distributed, as above provided, at least every five years. It shall be the duty of the city clerk to cause all ordinances adopted to be printed or reproduced as promptly as possible after their adoption in substantially the same style and format as the codification or revision of ordinances and sold at such prices as the council may establish.

§ 4.14. *Appointments.*

The council in making appointments shall act only by the affirmative votes of a majority of the members elected to the council.

§ 4.15. *Removal of Councilmen and Members of Boards and Commissions Appointed by the Council for Specified Terms.*

Any member of the council or any member of a board or commission appointed by the council for a specified term may be removed for cause in accordance with the general law.

§ 4.16. *Power of Investigation.*

The council shall have power to investigate any or all of the departments, boards, commissions, offices and agencies of the city government, including the school board, and any officer or employee of the city. The council, or any of its committees, when authorized by the council, the city manager, the heads of all departments, all boards and commissions appointed by the council, collector of city taxes, license inspector, and auditor of municipal accounts, in any investigation or hearing held by them, within their respective powers and duties, may order the attendance of any person as a witness and the production by any person of all relevant books and papers. Any person refusing or failing to obey such order may be summoned by the municipal court judge to appear before him and upon failure to give a satisfactory excuse to said judge may be fined not exceeding the sum of One Hundred Dollars or imprisoned not exceeding thirty days or both. Witnesses may be sworn by the officer presiding at such investigation and shall be liable to prosecution for perjury for any false testimony given at such investigation.

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CHAPTER 5
CITY MANAGER

§ 5.1. *Appointment and Qualifications.*

There shall be a city manager who shall be the executive officer of the city and shall be responsible to the council for the proper administration of the city government. He shall be appointed by the council for an indefinite term and may be removed by the council at any time by a majority vote of all its members. At least sixty days before such removal shall become effective the council shall advise the manager in writing of the reason for his removal. The council may suspend the manager from duty (with pay) during the sixty day period. The manager shall receive such compensation as shall be fixed by the council, by resolution, and shall devote his entire time to the business of the city. He shall be chosen solely on the basis of his executive administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the city or the Commonwealth, but during his tenure of office he shall reside within the city.

§ 5.2. *Power of Appointment and Removal.*

The city manager shall appoint for an indefinite term and remove, subject to the provisions of Chapter 9 of this charter and except as otherwise provided in this charter, the heads of all departments and all other officers and employees of the city, except the school board and constitutional officers, provided that where the council is given power by this charter to establish a board or commission for any purpose, the council may provide for the appointment of the members of such board or commission by the city manager or by the council, and for the appointment by such board or commission of its employees, and may specify which, if any, of such employee appointed by him or his subordinates, provided that the officer or employee shall have been served with a written notice of the intention of the city manager to remove him, containing a clear statement of the grounds for such removal and of the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard. After such hearing, which shall be public at the option of such officer or employee, the action of the city manager shall be final. Pending final action, the city manager may suspend from duty for not more than sixty days any such officer or employee.

§ 5.3. *Council Not to Interfere in Appointment or Removals.*

Neither the council nor any of its members shall direct the appointment of any person to or his removal from any office or employment by the city manager or by any of his subordinates except as specifically provided in this charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative services solely through the city manager, and neither the council nor any member thereof shall give orders either publicly or privately to any subordinate of the city manager.

§ 5.4. *Temporary Transfer of Personnel Between Departments.*

The city manager shall have power, whenever the interests of the city require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency, the head of which is appointed by the city manager, to the temporary performance of duties in another department, bureau, office or agency.

§ 5.5. *Duties.*

It shall be the duty of the city manager to: (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the

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annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare in suitable form for publication and submit to the council not later than sixty days after the end of each fiscal year of the city a concise, comprehensive report of the financial transactions and administrative activities of the city government during the preceding fiscal year and cause to be printed such number of copies thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter.

§ 5.6. *Relations with Boards, Commissions and Agencies.*

The city manager shall have the right to attend and participate in the proceedings of, but not to vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance, except the school board, the personnel board, the board of zoning appeals, and any other board or commission the council may designate.

§ 5.7. *Acting City Manager.*

The council shall designate by ordinance the head of one of the departments to act as city manager in case of the absence, incapacity, death or resignation of the city manager, until his return to duty or the appointment of his successor.

CHAPTER 6
BUDGETS

§ 6.1. *Fiscal and Tax Years.*

Unless and until otherwise provided by ordinance, the fiscal year of the City of Colonial Heights shall begin on the first day of January and shall end on the thirty-first day of December following. The tax year for taxes levied on real estate, tangible personal property, machinery and tools shall begin on the first day of January and end on the thirty-first day of December following, and the tax year for all other taxes shall be fixed by the council by ordinance. The rates of all taxes and levies, except on new sources of tax revenue, shall be fixed at the time of adoption of the general fund budget.

§ 6.2. *Budget and Levy for the Fiscal Year 1960.*

a. Upon the passage of this act, the present Finance Committee shall prepare and submit to the council, for its information, a general fund budget for the ensuing fiscal year 1960, based upon detailed estimates furnished by the several departments and other divisions of the city government.

b. A brief synopsis of the general fund budget for the fiscal year 1960 shall be published in a newspaper having a general circulation within the city and notice given of a public hearing at least seven days prior to the date set for hearing, at which any citizen of the city shall have the right to attend and state his views thereon.

c. Upon the passage of this act and after notice has been given as provided in § 6.2b, council shall adopt a general fund budget for the ensuing year 1960 and council shall at the time of the adoption of said budget shall lay its levy, if any, on all property real and personal, subject to taxation for city purposes. Upon final adoption, the general fund budget shall be in effect for the ensuing year.

§ 6.3. *Submission of Budgets.*

The city manager, at least sixty (60) days prior to the beginning of each budget year, shall submit to the council a general budget. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

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§ 6.4. *Preparation of Budgets.*

It shall be the duty of the head of each department, each board or commission and each other office or agency supported in whole or in part by the city, including the commissioner of revenue, city attorney, commonwealth attorney, and the city sergeant, to file with the city manager or with the director of finance designated by him, at such time as the city manager may prescribe, estimates of revenue and expenditure for that department, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the director of finance and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information which the city manager may require to be submitted thereon. The director of finance shall assemble and compile these estimates and supply such additional information relating to the financial transaction of the city as may be necessary or valuable to the city manager in the preparation of the budgets. The city manager shall hold such hearings as he may deem advisable and with the assistance of the director of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he may deem proper, subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose. The school board shall furnish a copy of its budget to the city manager.

§ 6.5. *Scope of the General Budget.*

In respect to the public schools there shall be included only the total amount to be appropriated by the city for their support. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques and shall contain:

(a) An estimate of such portion of the general fund cash surplus, if any, at the end of the current fiscal year as it is proposed to use for meeting expenditures in the general budget.

(b) An estimate of the receipts from current ad valorem taxes on real estate and personal property during the ensuing fiscal year.

(c) An estimate of receipts from all other sources of revenue.

(d) A statement to be furnished by the director of finance of the debt service requirements for the ensuing year.

(e) An estimate of the city's cash deficit, if any, at the end of the current fiscal year and of any other obligations required by this charter to be budgeted for the ensuing fiscal year.

(f) An estimate of expenditures for all other purposes to be met in the ensuing fiscal year.

All the estimates shall be in detail, showing receipts by sources and expenditures by operating units, functions, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last preceding fiscal year in comparison with estimated receipts and recommended expenditures for the ensuing year. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present a simple and clear summary of the detailed estimates of the budget.

§ 6.6. *A Balanced Budget.*

In no event shall the expenditures recommended by the city manager in the general budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in the preceding section, unless property assessments have been raised or unless the city manager shall recommend an increase in the rate of ad valorem taxes on real estate and tangible personal property or other

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new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures the city manager may recommend revisions in the tax and license ordinances of the city, in order to bring the general fund budget into balance.

§ 6.7. *Budget Message.*

The budget message submitted by the city manager to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for capital projects stated in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.

§ 6.8. *Appropriation and Additional Tax Ordinances.*

At the same time that he submits the general fund budget the city manager shall present to the council a general appropriation ordinance. The appropriation ordinance shall be based on the general fund budget but need not be itemized further than by departments and the major operating units thereof, and by courts, bureaus, boards, commissions, offices and agencies submitting separate budget estimates, and by the principal object of expenditures. At the same time the city manager shall also present any ordinance or ordinances altering the tax rate on real estate and personal property or levying a new tax or altering the rate of any other tax necessary to balance the general fund budget as hereinbefore provided. The hearing on the budget plan as a whole, as provided in this chapter shall constitute the hearing on all ordinances referred to in this subsection.

§ 6.9. *Budget a Public Record.*

The budget and budget message and all supporting schedules shall be a public record in the office of the city manager open to public inspection after the budget has been submitted to the council and made public by it; provided, however, that no department or agency, head or judge or board or commission, manager, or director of finance shall divulge details of the proposed budget nor make public statements regarding budget estimates until the budget has been submitted to the council and made public by it. The city manager on authorization from the council shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.

§ 6.10. *Publication of Notice of Public Hearing.*

At the meeting of the council at which the budget and budget messages are submitted, the council shall determine the place and time of the public hearing on the budget, which time shall be at least thirty days prior to the beginning of each budget year, and shall cause to be published a notice of the place and time, not less than seven days prior to the date of the public hearing.

§ 6.11. *Public Hearing on Budget.*

At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

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§ 6.12. *Action by the Council on the General Budget.*

After the conclusion of the public hearing on the general budget the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service as required by law shall be reduced or stricken out. The council shall in no event adopt a general budget in which the total of expenditures exceeds the receipts, estimated as hereinbefore provided, unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year, estimated as hereinbefore provided, sufficient to make up the difference.

§ 6.13. *Adoption of Budget.*

The budget shall be adopted by the votes of at least a majority of all the members of the council. The budget shall be finally adopted not later than the last day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the council.

§ 6.14. *Effective Date of General Fund Budget; Certification; Copies Made Available.*

Upon final adoption, the general fund budget shall be in effect for the ensuing fiscal year. A copy of such budget as finally adopted shall be certified by the city manager and city clerk and filed in the office of the director of finance. The general fund budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all departments, courts, boards, commissions, offices and agencies and for the use of interested persons and organizations.

§ 6.15. *Transfer of Appropriations.*

At the request of the city manager, but only within the last six months of the fiscal year, the council may, by resolution, transfer any unencumbered balance or portion thereof in any general fund appropriation from one department, board, commission, office or agency to another.

§ 6.16. *School Budget.*

It shall be the duty of the school board to file its budget estimates with the city manager. The action of the council on the school budget shall relate to its total only and the school board shall have authority to expend in its discretion the sum appropriated for its use, provided that if it receives an appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The school board shall have power to order during the course of the fiscal year transfers from one item of appropriation to another.

§ 6.17. *Additional Appropriations.*

An appropriation in addition to those contained in the general appropriation ordinance, except for the purpose of meeting a public emergency as provided for elsewhere in this charter, may be made by the council, by not less than a majority affirmative vote of the members present, only if there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation.

§ 6.18. *Appropriations to Lapse.*

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse, except that any balance remaining in the funds of the school board at the end of the fiscal year shall remain to the credit of that board and an estimate of any such balance shall be included in the school budget of the ensuing year as an estimated receipt.

§ 6.19. *Certification of Funds.*

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made; pro-

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vided that the council shall have the power to authorize and direct and making of expenditures and contracts for the expenditure of funds not appropriated in any budget for the then current fiscal year. No payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in this charter. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal.

§ 6.20. *Reserve for Permanent Public Improvements.*

The council may, by ordinance, establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. It may likewise assign to the said fund a specified portion of the ad valorem tax on real estate and tangible property not to exceed ten cents on the hundred dollars of the assessed valuation thereof or the whole or part of the proceeds of any other tax. Appropriations from the said fund shall be made only to finance permanent public improvements.

CHAPTER 7
BORROWING

§ 7.1. *Borrowing Power.*

The council may, in the name and for the use of the city, incur indebtedness by issuing its negotiable bonds or notes for the purposes, in the manner provided in this chapter, and to the extent provided in this chapter and under the general law.

§ 7.2. *Purposes for Which Bonds or Notes May Be Issued.*

(a) *To finance capital projects.* Bonds, and notes in anticipation of bonds when the issue of bonds has been authorized as hereinafter provided, may be issued for the purpose of financing the whole or any part of the costs of any capital improvement project which is hereby defined to include any public improvement or utility which the city is authorized to undertake, including the acquisition of any property, real or personal, incident thereto, the construction or reconstruction in whole or in part of any building, plant, structure or facility necessary or useful in carrying out the powers of the city, and the equipment or reequipment of the same.

(b) *To anticipate the collection of revenue.* Notes may be issued when authorized by the council, at any time during the fiscal year in anticipation of the receipt of taxes and revenue of the current fiscal year.

(c) *To finance increased operating expenses.* Notes to be repaid within four years of the date of issuance may be issued when authorized by the council for the purpose of meeting increased operating expenses, including debt service, provided, however, that no notes shall be issued pursuant to the authority of this section after January 1, 1965.

(d) *To provide for emergency expenditures.* Notes may be issued to finance an appropriation for the purpose of meeting a public emergency, as provided in subsection (c) of § 2.3. of this charter, when authorized by the ordinance making such appropriation. Notes so issued shall be authenticated by the signature of the city manager and city treasurer and shall mature not later than twelve months after the date of issue. Bonds

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may be issued, when authorized as hereinafter provided, for the purpose of funding such notes or other obligations incurred in accordance with such appropriation.

(e) *To refund outstanding bonds.* Bonds may be issued, when authorized as hereinafter provided, for the purpose of refunding bonds, provided that the director of finance shall certify in writing that such refunding is necessary to prevent default on the interest or principal of the city's outstanding bonds.

§ 7.3. *Limitation on Indebtedness.*

In the issuance of bonds and notes, the city shall be subject to the limitations as to amount contained in § 127 of the Constitution of the Commonwealth.

§ 7.4. *Notes in Anticipation of Bonds and Revenue.*

Whenever an issue of bonds for any capital improvement project has been authorized as hereinafter provided, the director of finance, when authorized by ordinance, shall have power to issue notes of the city in anticipation of such bonds, for the purpose of defraying the whole or any part of the cost of such project. Such notes in anticipation of bonds shall be authenticated by the signature of the director of finance and shall mature not later than two years after the date of issue. They shall be paid at maturity from the proceeds of the sale of the bonds in anticipation of which they have been issued; provided, however, the city may in its discretion, retire any such loans by means of current revenues, special assessments, or other funds, in lieu of retiring them by means of bonds. Notes in anticipation of revenues shall be authorized by the council by ordinance. They shall be authenticated by the signature of the director of finance and shall mature not later than twelve months after the date of issue. If not paid at maturity, the amount of such unpaid notes shall be included as an appropriation in the general fund budget for the ensuing fiscal year.

§ 7.5. *Form and Term of Bonds.*

All bonds shall be in serial form payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than five years from the date of issue of such bonds. Bonds shall be authenticated by the seal of the city attested by the facsimile signature of the city clerk and by the signatures of the city manager and director of finance or by the city manager and city treasurer, if the city manager and the director of finance are the same person. All bonds shall be made payable within the probable life of the improvement or undertaking on account of which they are to be issued or, if the bonds are to be issued for several improvements or undertakings, within the average probable life of such improvements or undertakings. In the case of a bond issue for several improvements, or undertakings having different probable periods of usefulness, the council shall determine the average of said periods, taking into consideration the amount of bonds to be issued on account of each purpose, and the period so determined shall be the average period of usefulness. The determination of the council as to the probable life of any such improvement or undertaking shall be conclusive. The probable life of no public improvement shall be considered over thirty years, except that the possible life of public buildings other than school houses, may be forty years; concrete bridges, forty years; and parks or other real estate, fifty years.

§ 7.6. *Restrictions on Loans and Credits.*

The credit of the city shall not directly, or indirectly, under any device or pretense whatsover, be granted to or in aid of any person, association or corporation.

§ 7.7. *Issuance of Bonds; How Authorized.*

The procedure for the passage of an ordinance authorizing the issuance of bonds shall be the same as for the passage of any other ordinance, except that such ordinance must be adopted by the recorded affirmative

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vote of a majority of the entire council. Upon the adoption of an ordinance authorizing the issuance of bonds and a resolution fixing the form and details thereof which may be finally adopted at the meeting at which it is introduced, which may be a regular or special meeting, by a majority of the members of the entire council, and which need not be published or posted, a certified copy of the same shall be filed with the corporation or circuit court having jurisdiction over the city, or to the judge thereof in vacation. A notice setting forth (1) in brief and general terms the purpose or purposes for which the bonds are to be issued, and (2) the amount of such bonds and, if bonds are to be issued for more than one purpose, the amount for each purpose, except that with respect to bonds for school purposes the amount of each separate purpose is not required, shall be published once in a newspaper having a general circulation in the city within ten days after such filing. For a period of thirty days after the date of the filing with the corporation or circuit court having jurisdiction over the city of a certified copy of the resolution of the governing body of the city authorizing the issuance of bonds and fixing the form and details thereof any person in interest shall have the right to contest the validity of such bonds or the taxes to be levied for the payment of the principal of and the interest on such bonds or the rates, rents, fees and other charges for the services and facilities furnished by or for the use of or in connection with the project or the pledge of the revenues or receipts of the project or any provisions which may be recited in such resolution or in any trust agreement securing the bonds, or any amendment thereof, or any matter therein contained or provided for or done or to be done pursuant thereto. If such contest shall not have been begun within the thirty days' period, the authority to issue the bonds, the validity of the taxes necessary to pay the principal of and the interest on the bonds, and the validity of any other provision contained in such resolution or any such trust agreement and all proceedings in connection with the authorization and the issuance of the bonds shall be conclusively presumed to have been legally taken and no court shall have authority to inquire into such matters and no such contest shall thereafter be instituted.

§ 7.8. *Procedure for Sale of Bonds and Notes.*

All bonds issued under this charter shall be sold at public sale upon sealed proposals after at least ten days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds, published in the City of New York, New York, and at least ten days' notice published at least once in a daily newspaper of general circulation or published in the City of Colonial Heights. The terms of the sale of bonds shall be approved by the council by resolution. Notes in anticipation of bonds, in anticipation of revenue, or to provide for emergency expenditures, when authorized by the council, may be sold by the director of finance, with the approval of the city manager, at private sale without prior public offering.

§ 7.9. *Contents of the Bond Ordinance.*

An ordinance authorizing the issuance of bonds shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital improvement projects, it shall describe each of them sufficiently for purposes of identification, and shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifying them, other than the proposed bond issue. The bond ordinance shall also include the amount of the proposed issue, a statement showing the proposed issue to be within the limitation of indebtedness as provided in § 7.3., the length of time for which they are to run, the maximum rate of interest to be paid thereon, the probable life of the purpose or the average probable life of the purposes to be financed, as determined by council, and a declaration that principal of and interest on the proposed

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issue are to be paid from ad valorem taxes on real estate and tangible personal property and that the full faith and credit of the city are pledged to such payment, and the procedure for the sale of the proposed issue. All other matters relating to the authorization, issuance or sale of the bonds or notes may be provided by resolution. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold. All other matters relating to such bonds may be determined by resolution within the limitations prescribed by such ordinance or by this charter.

§ 7.10. *Payment of Bonds and Notes.*

The power and obligation of the city to pay any and all bonds and notes hereafter issued by it pursuant to this charter, except revenue bonds, as provided in § 7.12, shall be unlimited, and the city shall levy ad valorem taxes upon all taxable property within the city for the payment of such bonds or notes and interest thereon, without limitation of rate or amount. The faith and credit of the city are hereby pledged for the payment of the principal of and the interest on all bonds and notes of the city hereafter issued pursuant to this chapter, except revenue bonds, as provided in § 7.12, whether or not such pledge be stated in the bonds or notes or in the bond ordinance authorizing their issuance.

§ 7.11. *Sinking Fund.*

There shall be a sinking fund for the amortization of the outstanding term bonds of the city. It shall consist of the cash and securities in the sinking fund at the effective date of this charter, the sums hereinafter required to be paid into such fund and the interest earned on investments. There shall be paid into the sinking fund annually the sum determined by the director of finance, and by him certified to the city manager for inclusion in the budget, to be necessary on actuarial principles to amortize such term bonds at maturity. The sinking fund may be invested in bonds or other direct obligations of the city, the Commonwealth, or the United States, or loaned upon unencumbered real estate, within the State, upon a basis not exceeding sixty-five per centum of the fair cash value of such real estate, or invested in other securities approved by the general laws of the State for the investment of such funds, or deposited in any bank or banks on a reasonable rate of interest. Such sinking funds may be used in the payment or purchase and redemption of all of its bonds. The council may require of any bank or banks receiving on deposit its revenues or any of its sinking funds a fidelity bond. The management of the sinking fund from the effective date of this charter shall be entrusted to a board of sinking fund commissioners which shall consist of the director of finance, city manager, and two qualified voters of the city skilled and experienced in banking and investment who shall be appointed by the council for terms of four years, provided that of those first appointed, one shall serve for two years and one for four years. Vacancies shall be filled by the council for the unexpired portion of the term.

§ 7.12. *Revenue Bonds.*

In addition to the authority to issue bonds otherwise provided in this chapter, and in addition to the authority of Section 127 (b) of the Constitution of Virginia, the council may, in the manner provided for the issuance of other bonds and subject to the limitations of this chapter, except that the faith and credit of the city need not be pledged to their payment and except as hereinafter provided, authorize the issuance of revenue bonds to be secured by mortgage upon the property of the city devoted to the use of a revenue-producing utility, project or enterprise and the interest and principal of which may be paid exclusively from the revenues of such utility, project or enterprise; provided that such issue need not be limited to a term of thirty years.

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§ 7.13. *Applicability of General Law.*

If there shall be omitted from this charter any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of the city, the provisions of the general law, with reference to similar bonds, shall supply said omission.

CHAPTER 8
FINANCIAL ADMINISTRATION

§ 8.1. *Department of Finance.*

The city council may by ordinance create a department of finance which shall include the functions of accounting and control, budgeting, purchasing, the collection of taxes, special assessments and other revenues, and such other functions as may be provided by ordinance or by orders of the director of finance consistent therewith.

§ 8.2. *Director of Finance—Appointment.*

The head of the department of finance shall be known as the director of finance, and council may by ordinance provide that the director of finance shall be the City Treasurer, or City Manager, or it may establish a director of finance separate from the City Treasurer or City Manager as the case may be. Until otherwise provided by ordinance the Director of Finance shall be the City Treasurer. When the city council shall by ordinance establish a director of finance separate from the city treasurer or city manager he shall be appointed by the city manager. In making such appointment, the city manager shall give consideration to the applicant's qualifications in municipal finance and financial control.

§ 8.3. *Director of Finance—Powers and Duties.*

The director of finance shall have general management and control of the functions of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, excepting Constitutional officers, and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. He shall have charge, subject to the direction and control of the city manager, of the administration of the financial affairs of the city, except those of the school board, unless specified in this chapter, and to that end shall have authority and be required to:

(a) Compile the departmental estimates and other data necessary or useful to the city manager in the preparation of the current expense and capital budgets.

(b) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

(c) Maintain a general accounting system for the city government and each of its departments, boards, commissions, offices and agencies, in conformity with the best recognized practices in governmental accounting; and encumber each item of appropriation and the allotments thereof with the amount of each purchase order, payroll or contract which he has approved, including each advance authorization as provided in subsection (f) of Section 8.3.

(d) Prescribe the form of receipts, vouchers, bills or claims to be used, and of accounts to be kept by all departments, boards, commissions, offices and agencies of the city, provided that in so doing he shall consult with any officer appointed by the council for the purpose.

(e) Require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, boards, commissions, offices and agencies, and prescribe the times at and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under the control of the city treasurer.

(f) Examine all contracts, purchase orders and other documents, except bonds and notes authorized as provided in Chapter 7, which create

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financial obligations against the city and approve the same only upon ascertaining that money has been appropriated and alloted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same, provided that the director of finance may give advance authorization for the expenditure from any appropriation for the purchase of supplies, materials or equipment of such sum, within the current allotment of such appropriation, as he may deem necessary during a period of not to exceed three months for the purchase of items not to exceed in cost Twenty-five Dollars for any one item, and immediately encumber such appropriation with the amount of such advance authorization, and thereafter, within the period specified, purchase orders for such items, to an aggregate not exceeding such authorization, shall be valid without the prior approval of the director of finance endorsed thereon, but each such purchase order shall be charged against such authorization and no such purchase order, which, together with all such purchase orders previously charged within the period specified, shall exceed the amount of such authorization, shall be valid.

(g) Audit before payment, for legality and correctness, all accounts, claims and demands against the city, and no money shall be drawn from any bank account of the city or school board except by warrant or check, signed by the director of finance, based upon a voucher duly approved by him as above provided.

(h) Supervise and be responsible for provision of tax maps, property descriptions and such other information as may be necessary or convenient for the scientific assessment of property for taxation within the city.

(i) Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

(j) Submit to the city manager for presentation to the council not later than the tenth day of each month, a statement concerning the financial transactions of the city and each utility respectively, prepared in accordance with accepted principles of municipal accounting and budgetary procedure, and showing: (1) the amount of each appropriation with transfers to and from the same, the allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against such appropriation and the allotments thereof during the preceding month, the total of such charges for the fiscal year to the end of the preceding month, and the unencumbered balance remaining in such appropriation and the allotments thereof; (2) the revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected.

(k) Furnish to the head of each department, court, board, commission, office and agency of the city a copy of that portion of the statement relating to such department, court, board, commission, office or agency.

(l) Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city.

(m) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted.

§ 8.4. *City Treasurer.*

The city treasurer shall collect and receive all moneys due the city for taxes whether current or delinquent, assessments or fees or charges of every kind except that the council may by ordinance provide for the col-

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lection of charges for the use of water and sanitary sewers, by some officer or agency and except as otherwise provided by this charter or the general laws of the Commonwealth as the same may relate to the city. In so doing, he shall have power to employ any procedure that is now or may hereafter be prescribed by law for the collection of State taxes or local taxes. There shall be a lien, which shall have precedence over any other lien or encumbrance thereon, on all real estate and on each and every interest therein, for the city taxes assessed thereon, from the commencement of the year for which they are assessed, including penalties and interest on such taxes, which may be enforced by the city treasurer on behalf of the city in any manner provided by law. All goods and chattels wheresoever found may be distrained and sold for taxes, interest and penalties assessed and due thereon and for taxes, interest and penalties assessed against the owner thereof, and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes or levies assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes or levies assessed thereon, no matter in whose possession they may be found. He shall have power to enforce the provisions of this charter and the ordinances of the city with regard to licenses and license taxes, to check any or all of records of the commissioner of revenue and to examine and audit the books of all persons, firms and corporations whom he has reasonable cause to believe to be liable to pay a license. He shall have custody of all funds belonging to the city and the school board and deposit all funds coming into his hands to the account of the city or the school board, as the case may be, in such banks as may be designated for the purpose by the council and the school board, respectively, subject to the laws of the Commonwealth applicable to the city and school board relative to the deposit of public funds. He shall perform such other duties, including validating of school board warrants or checks, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance.

§ 8.5. *Commissioner of Revenue.*

The commissioner of revenue shall perform such duties not inconsistent with the laws of the Commonwealth in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. He shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. He shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council or by the director of finance. The council may by ordinance require that all tax bills shall be made out by the commissioner of revenue and delivered in such manner as said ordinance may prescribe.

§ 8.6. *Sale of Property for Taxes.*

The council may require real estate in the city, delinquent for the nonpayment of taxes, to be sold for said taxes, as provided in the Code of Virginia, except that if at any such sale no bid shall be made for any such real estate, or such bid shall not be equal to the tax or assessment, with interest, charges and expenses, then such real estate shall be struck off to the city. As soon as practicable thereafter, the city treasurer shall prepare a statement of sales made to the city, in which the real estate so sold shall be described, and the aggregate amount of tax or assessment with interest, charges and expenses specified.

(a) The owner of any real estate so struck off to the city, his heirs or assigns, or any person having the right to charge such real estate for a debt, or any person having interest in such real estate by way of reversion, remainder or otherwise, may redeem the real estate within three years

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from the sale thereof, by payment to the city of the amount for which it was sold, with such additional sums as would have accrued for taxes thereon if it had not been purchased for the city, with interest on the purchase money and taxes at the rate of six per cent per annum from the time that they may have been so paid.

(b) In case that any real estate, struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the city treasurer may, at the direction of the council, within sixty days after the expiration of three years from the sale, cause to be recorded in the Clerk's Office of the Circuit Court having jurisdiction of the city a certificate of sale with his oath that the same has not been redeemed, and thereupon the city, or its assignee, shall acquire an absolute title in fee in chancery proceedings to such real estate, and every interest therein, subject to be defeated only by proof that the taxes for which said real estate was sold were not properly chargeable thereon, or that the taxes properly chargeable thereon had been paid at the time of the execution of such certificate. The said certificate shall be recorded in the said Clerk's Office in a record book known as "deed book, recording conveyances to city lands sold for delinquent taxes", for recording which certificate the clerk shall be entitled to a fee of ten cents, payable out of the city treasury. The council may impose penalties upon its officers for their failure to comply with the requirements of this section. The said certificate, or the record thereof, or a certified copy thereof, shall, in all courts and other places, be evidence of the facts therein stated; provided, however, that the failure to obtain or record such certificate shall not invalidate the lien of the city for all taxes assessed against such real estate, but the city may, at any time, elect to enforce its lien for taxes in a court of equity and real estate. When real estate is sold at a tax sale, it shall be continued upon the land books in the name of the former owner or owners until there is a transfer of title of record and taxes and levies shall be annually extended thereon the same as if such tax sale had not taken place.

(c) When land sold for delinquent taxes or struck off to the city is redeemed by persons under disability at the time of sale, in addition to the payments otherwise required for redemption, the person or persons so redeeming the land shall pay to the purchaser, his heirs or assigns, the appraised value of any improvement that may have been made thereon after three years from the date of the sale for delinquent taxes.

§ 8.7. *Correction of Assessments and Exoneration of Taxes.*

(a) The officer or board responsible for making any assessment of taxes or levies, or the director of finance, may require the production of the books and records of any taxpayer containing information concerning the tax liability of such taxpayer for the purpose of verifying or amending or correcting the assessment of city taxes for any tax year of the three tax years last past or for the then current tax year. The council may provide by ordinance for the issuance of a summons requiring the production of the taxpayer's books and records and for the imposition of fines and penalties for the failure to obey such summons.

(b) If the officer or board responsible for making any assessment or the director of finance ascertain that any taxpayer has not been assessed with taxes of any kind for any tax year of the three tax years last past or for the then current tax year, or that said taxpayer has been assessed with taxes of any kind at less than the law required for or during any one or more for such years, or that the said taxes for any cause have not been realized, it shall be the duty of the officer or board responsible for making the assessment or the director of finance, upon his or its own examination and audit, to assess the taxpayer with his or its own examination and audit, to assess the taxpayer with the taxes at the rate or rates prescribed for said year or years and in cases where the error has been due to the

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failure of the taxpayer to file a proper return, or in cases of omitted taxes upon lands, and excluding cases where the erroneous assessment has been due to the mistake of the assessing officer, to include in such assessment penalties and interest as may be prescribed by the council, not to exceed, however, a penalty of five per cent of the tax and interest upon said tax and penalty at the rate of six per cent per annum from the time when such tax would have borne a penalty for nonpayment had it been regularly assessed and remained unpaid, and the council may provide for the imposition of additional interest not to exceed interest upon the entire assessment at the rate of six per cent per annum from the date of assessment, if such assessment be not paid within thirty days after its date.

(c) If in the regular course of the audit of such taxpayer's records the officer or board responsible for making any assessment and the director of finance ascertain that the amount of license taxes assessed against the taxpayer for any one or more of said years is in excess of the amount of license taxes which should have been assessed against said taxpayer upon a correct computation thereof, then the director of finance, with the approval of the city attorney, may refund out of the city treasury the excess of such taxes erroneously assessed if said excess be paid or exonerate the taxpayer from the payment of said excess if the excess be not paid. If the officer or board responsible for making the assessment, or the director of finance, ascertain that there be additional liability for one or more years and also an excessive assessment for one or more years, then the excess of one assessment may be credited against the deficiency of the other assessment and the taxpayer be assessed with the net deficiency or be refunded the next excess if paid or exonerated from the payment of the net excess if unpaid, by order of the director of finance, with the approval of the city attorney.

(d) Any person, firm or corporation assessed with any local tax or levy and who is aggrieved thereby may, at any time within one year from the thirty-first day of December of the year in which such assessment is made apply to the officer or board making such assessment for a correction of said assessment. Notice of such application shall also be given to the director of finance and the city attorney, and if the officer or board making such assessment, with the approval of both the director of finance and the city attorney, be satisfied that such person, firm or corporation has been erroneously assessed with any such tax or levy, then the director of finance, with the approval of the city attorney, may order the officer or board making such assessment to correct the assessment and it shall be the duty of said officer or board to make such correction in accordance with the orders of the director of finance, with the approval of the city attorney. The director of finance, with the approval of the city attorney, shall have the power to order that the taxpayer be exonerated from the payment of so much as is erroneously charged if unpaid, and if said assessment be paid, then the director of finance, with the approval of the city attorney, shall have the power to order the refund of the excess of said assessment out of the treasury of the city. But where it is shown to the satisfaction of the officer or board making such assessment, with the approval of both the director of finance and the city attorney, that there has been a double assessment in any case, one of which assessments is proper and the other erroneous, and that a proper single tax has been paid thereon, the director of finance, with the approval of the city attorney, may order that such erroneous assessment be corrected whether the erroneous tax has been paid or not, and even though the application be not made within the one year as hereinbefore required. The remedy granted by this section shall be in addition to the right of any taxpayer to apply within the time prescribed by law to the proper court as provided by law for the correction of erroneous assessments of the taxes described in this section, and application

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may be made to the proper court irrespective of whether such applicant has or has not theretofore made application to the officer or board making such assessment for the correction of any such assessment. The approval or withholding of approval by the city attorney in the matters provided for in § 8.7. (c) and 8.7. (d) shall relate only to the legality of the proposed action.

§ 8.8. *Annual Assessment and Equalization of Assessments.*

The council shall have the power to provide for the annual or quadrennial assessment and equalization of assessments of real estate for local taxation as provided in the general law, and the council with the approval of the State Commissioner of the Revenue may authorize the commissioner of revenue to act as the assessor provided therein, and provided further that application for relief from assessments may be made to the circuit court of corporation court of appropriate jurisdiction.

§ 8.9. *City Purchasing Agent.*

The city council shall, by resolution, designate the city manager or director of finance as city purchasing agent, or it may, at its discretion, appoint any other qualified person as city purchasing agent. In selecting the city purchasing agent, consideration shall be given to the applicant's experience in private business purchasing, or governmental purchasing, or comparable kind of institutional purchasing, and property control and accountability. He shall, pursuant to the provisions of this charter and to such rules and regulations consistent therewith as may be established by the council, purchase for the use of the city and all its departments, bureaus, boards, commissions, offices, and agencies, hereinafter in this chapter referred to as "using agencies", including the city school board, but not excluding any other bureau, agency or official of said city, which purchases anything on behalf of said city, all supplies, materials, equipment, medicines and drugs, legal and scientific books and periodicals, and printing of legal briefs; manuscripts, maps, charts, sheet music, phonograph records, books, pamphlets and periodicals, when ordered by a city public library; such perishable articles and other articles as may be designated in the rules and regulations established by ordinance; and such supplies, materials, equipment and contractual services as may be required by any using agency in an emergency as defined in the said rules and regulations. The services of the purchasing agent shall be available to the school board whenever it wishes to make use thereof.

§ 8.10. *Further Powers and Duties of Purchasing Agent.*

The purchasing agent, for the purpose of giving effect to the provisions of the preceding section, shall have the following powers and duties:

(a) To establish, with the approval of the city manager, and after consultation with the heads of the using agencies concerned, and enforce standard specifications for all supplies, materials and equipment required by the city government except as to the purchases exempted above.

(b) To prescribe the time of making requisitions for such supplies, materials, and equipment and the future period which said requisitions are to cover.

(c) To inspect or cause to be inspected, all deliveries of such supplies, materials and equipment, and to cause tests to be made, when necessary, in order to determine their quality, quantity and conformance with specifications.

(d) To supervise and control such central storerooms, workshops, garages and repair shops as the council may provide by ordinance to serve the several using agencies or any of them.

(e) To transfer to or between using agencies, sell or trade-in supplies, materials and equipment determined by him, with the approval of the city manager and after consultation with the head of the using agency concerned, to be surplus, obsolete or unused.

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(f) To maintain an adequate system of accounting for all property received and all property issued by the bureau of purchasing, in accordance with accepted principles of accounting for property and inventory control, and to maintain such inventory of all movable property belonging to the city, as may be required by the council.

(g) To perform such duties with regard to the letting of contracts for public works or improvements as are provided in Chapter 12 of this charter and to have such other powers and duties as may be provided by ordinance.

§ 8.11. *Competitive Bidding.*

Before making a purchase or contract, the purchasing agent shall give opportunity for competitive bidding under such rules and regulations as may be established by the council. All single purchases or contracts which shall involve an expenditure of five hundred dollars or less shall, whenever practicable, be based on three or more competitive bids which may be informal, but of which there shall be a written record, and shall be awarded to the lowest responsible bidder, except as hereinafter provided. If any single purchase or contract involves an expenditure of more than five hundred dollars, it shall be made on the basis of sealed bids after such public notice as may be prescribed by the council. The city manager, however, shall have the power in respect of all purchases or contracts involving an expenditure of ten thousand dollars or less, and the council in all other cases, to authorize the purchasing agent to reject any or all bids, to readvertise for bids, or to make the purchase or contract in the open market after the rejection of all bids. The council shall further have power in the rules and regulations provided for in § 8.9. to authorize the purchasing agent, with the approval of the city manager, to purchase or make contracts for professional services and for services for which the rate or price is fixed by a public authority authorized by law to fix rates or prices, without recourse to competitive bidding. All sales by the purchasing agent shall be made on the basis of competitive bids after such public notice as may be prescribed by the council, and all sales shall be to the highest responsible bidder. A record of all bids, showing the names of the bidders and the amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents, pertaining to the award of contracts, shall be preserved by the purchasing agent for six years in a file which shall be open to public inspection during regular business hours. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section.

§ 8.12. *Accounting Control of Purchasing.*

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition, in such form as may be prescribed by the director of finance, from the head of the using agency whose appropriation is to be charged, or from the head of a bureau or other operating unit to whom such authority has been delegated in writing, filed with the purchasing agent, except as provided in subsection (f) of § 8.3. of this charter, by the head of the using agency. No purchase order made or contract entered into by the purchasing agent shall be valid unless there be endorsed thereon the certificate of the director of finance that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the purchasing agent from making purchases from a store's revolving fund which the council is hereby authorized to establish, or from making sales from the stores to the several using agencies based on their requisitions, provided the director of finance certified that there is an unexpended and unencumbered balance in the appropriation to be charged.

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CHAPTER 9
PERSONNEL

§ 9.1. *Merit Basis of Appointments.*

Appointments and other personnel actions shall be made according to merit and fitness. The council shall have all necessary powers to carry out this purpose, including, if the council so determines, the establishment and operation of a competitive examination or selection system. The council may vest the following powers in the city manager, who may delegate them to any officer or department of the city government, as he may decide:

(a) To administer recruitment and selection to fill positions in the city government, except the following:

(1) Officers elected by the people and persons appointed to fill vacancies in elective offices; (2) members of boards and commissions; (3) officers appointed by the council; (4) the municipal judge, the juvenile and domestic relations judge and the justices of the peace provided for in this charter; (5) employees of the school board; (6) assistant city attorneys, special counsel and technical advisors employed by the city attorney;

(b) To administer any system of competitive examination or selection which may be established by the council;

(c) To prepare and recommend to the council a classification plan;

(d) To prepare and recommend to the council a pay plan covering all employees in the city government, including school board employees, if the board so requests;

(e) To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city, of such personnel records and service rating of city employees (except employees of the school board) as he shall prescribe;

(f) To maintain a roster of all persons in the employ of the city (except employees of the school board) which shall specify as to each such person such information as (1) the class title of the position held, (2) the salary or pay, (3) any changes in class title, salary or pay, and (4) such other data as may be deemed useful or significant;

(g) To certify all payrolls, except those of the school board, and to make no payment for personal services to any person unless the payroll voucher bears the certificate of the city manager that the persons named therein have been appointed and employed in accordance with the provisions of this chapter;

(h) To provide a systematic program of in-service training for city employees (other than employees of the school board) to improve their performance and their potentialities for service to the city;

(i) To investigate the operation and effect of the personnel provisions of this charter and the rules adopted thereunder and report annually his findings and recommendations to the council;

(j) To recommend to the council and to effectuate such rules and regulations as may be necessary for the purpose of carrying out the provisions of this charter and to perform such other powers and duties as may be assigned to him by ordinance.

§ 9.2. *Unclassified Service.*

The service of the city shall be divided into the unclassified and classified services. The unclassified service shall consist of: (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions, all officers appointed by the council, and persons appointed by officers elected by the people; (c) the justices of the peace, municipal judge and the juvenile and domestic relations judge provided for in this charter; (d) the heads of departments

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appointed by the city manager, and the assistant city manager, if there be one; (e) employees of the school board, provided that any class of such employees may be transferred to the classified service on the request of the school board; (f) assistant city attorneys, special counsel and technical advisors employed by the city attorney; (g) licensed physicians and dentists employed by the city in their professional capacities; (h) persons temporarily employed in a professional or scientific capacity or to conduct a special inquiry, investigation, examination or installation, if the council or the manager certifies that such employment is temporary and that the work should not be performed by employees in the classified service; (i) per diem employees.

§ 9.3. *Classified Service.*

The classified service shall comprise all positions, including those in the police and fire departments not specifically included by the preceding section in the unclassified service.

§ 9.4. *Appointment and Removal.*

All original appointments to positions in the classified service shall be for a probationary period. The probationary period shall be one year, but at any time prior to the conclusion of the probationary period of any employee, his services may be terminated by the officer having the power of appointment to the position, if, in the opinion of such officer, the employee does not possess the qualifications to perform satisfactorily the duties of the position. Upon the conclusion of the probationary period, no employee shall be suspended for more than sixty days, reduced in rank or pay, or removed, except after notice in writing of the grounds of the proposed action. Such notice shall be from the officer who has the power of appointment to the position. The decision of the city manager (or for positions not under his appointing power, the decision of the appointing officer) shall in all cases be final.

§ 9.5. *Tenure.*

An employee who has been continued in employment after the conclusion of the probationary period may not, so long as he continues in the employ of the city, be required to serve a new probationary period upon appointment or transfer to a position not involving different skills.

§ 9.6. *Rules.*

Within six months after this charter becomes effective, the city manager shall prepare and recommend to the council such rules as he may consider necessary to carry out the provisions of this chapter with respect to persons in the classified service. The council shall cause to be published at least once in a newspaper of general circulation in the city, a notice of the time and place of a public hearing to be held on such proposed rules, to take place not less than five days after the publication of such notice. Thereafter, the council shall reject or adopt the rules recommended by the city manager with such modifications as it may deem advisable. Amendments to the rules may be adopted from time to time after public hearing as above provided, but no change in the rules shall be set for hearing which has not been recommended by the city manager unless the same shall have first been referred to him for his opinion at least ten days prior to such hearing. The rules and amendments thereof so adopted shall have, to the extent that they are consistent with the terms of this charter, the force of law. Among other things, they shall provide for the administration of the classification plan and pay plan; hours of work, vacations, sick leaves and other leaves of absence; overtime pay; the order and manner in which layoffs shall be effected; procedure on appeals from orders of suspension or removal or other disciplinary action; and such other matters as may be necessary to provide adequate and systematic handling of the personnel affairs of the city.

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§ 9.7. *Classification Plan.*

The city manager first appointed shall, within seven months after his appointment, prepare, after consultation with all officers having the power of appointment, and submit to the council a plan of classification and grading for all positions in the classified service according to similarity of authority, duties and responsibilities. The council shall hold a public hearing thereon, at least ten days' notice of which shall be given by publication in a newspaper of general circulation in the city, and within thirty days after the submission of the plan by the city manager, it shall reject or adopt the same with or without modifications. Changes in the classification plan may thereafter be recommended from time to time by the city manager and shall take effect when approved by the council. When the specifications of any job are changed or a new position created the city manager shall recommend the necessary changes in the classification plan. After the adoption of the classification plan the class title set forth therein shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been recommended by the city manager and approved by the council as appropriate to the duties to be performed. Employees affected by the allocation or reallocation of a position to a class or by any changes in the classification plan shall be afforded an opportunity to be heard thereon by the city manager after filing a request for such hearing. After such hearing, the decision of the city manager shall be final.

§ 9.8. *Pay Plan.*

There shall be a pay plan consisting of a salary range for each class of position in the classification plan, which shall provide for regular increments within such range to be earned by length of service upon certification of satisfactory service by the supervisor. Each such range shall be determined with due regard to the salary ranges for other classes and to the relative difficulty and responsibility of characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the city service, and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the range. The city manager shall prepare within thirty days after the adoption of the classification plan by the council a pay plan as described above which shall be transmitted to the council, with his recommendations. The council shall have power to adopt the same by ordinance with or without modifications. When so adopted by the council the pay plan shall remain in effect until amended by the council. When a pay plan has been adopted, the council shall not increase or decrease the salaries of individual members of the classified service but shall act in fixing the salaries of members of the classified service only by amendment of the pay plan.

§ 9.9. *Status of Present Employees.*

All persons holding positions in the service of the city at the effective date which are included by this chapter in the classified service, shall immediately become members of the classified service, upon certification by the city manager with the approval of the council. Nothing in this section, however, shall be deemed to limit the power of the council by ordinance to abolish any position, or positions, or to establish a classification plan affecting any position in the classified service, or to adopt a pay plan altering the compensation thereof.

CHAPTER 10
DEPARTMENT OF LAW

§ 10.1. *Department of Law.*

There shall be a department of law which shall consist of the city

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attorney and such assistant city attorneys and other employees as may be provided by ordinance.

§ 10.2. *Qualifications and Appointment.*

The head of the department of law shall be the city attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. He shall be chosen in the manner provided in § 10.5.

§ 10.3. *City Attorney. Powers and Duties.*

The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager, (3) the city school board, and (4) of all departments, boards, commissions, and agencies of the city, in all matters affecting the interests of the city, and shall, upon request, furnish a written opinion of any question of law involving their respective official powers and duties; (b) at the request of the city manager or any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and at the request of the council or any member thereof shall examine the ordinance after introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the city or city school board is a part or in which it has an interest; (d) have the management and control of all the law business of the city and of the city school board and the departments, boards, commissions and agencies thereof, or in which the city has an interest, and represent the city and the city school board as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (e) with the approval of the council or of the city school board, as the case may be, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city or the city school board; (f) attend in person or assign one of his assistants to attend all meetings of the council and regular meetings of the city school board; (g) appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him by ordinance. The approval or withholding of approval by the city attorney in the matters provided for in Section 8.7. (c) and 8.7. (d) shall relate only to the legality of the proposed action.

§ 10.4. *Restrictions on Actions for Damages Against City.*

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any city officer, employee or agent thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the city attorney within sixty days after such cause of action shall have accrued, except that when the claimant is an infant or non compos mentis, or the injured person dies within such sixty days, such statement may be filed within one hundred and twenty days. Neither the city attorney nor any other officer, employee or agent of the city shall have authority to waive the foregoing conditions precedent or any of them.

§ 10.5. *Qualifications and Appointment.*

On the first day of September, 1960, and on the first day of September of every third year thereafter, or if such day shall fall on Sunday or a holiday then on the following day, the city council shall elect a city attorney for a term of three years. He shall be an attorney at law licensed to

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practice under the laws of the Commonwealth and shall have actively practiced his profession therein for at least five (5) years immediately preceding his appointment.

§ 10.6. *Salary of City Attorney.*

The salary of the city attorney shall be as determined by resolution adopted by the council and shall be set by council prior to the appointment of the city attorney but which may be set at the same meeting at which such appointment is made.

§ 10.7. *Appointment of City Attorney as Acting Commonwealth Attorney.*

At such time as the city of Colonial Heights shall be a City of the first class, as provided in Chapter 21, the city attorney in the absence of the Commonwealth attorney for the city, when not inconsistent with the duties of the city attorney and with the approval of the Judge of the court of record having jurisdiction of the city may be appointed acting commonwealth attorney for said city.

CHAPTER 11
PUBLIC SAFETY

§ 11.1. *Functions.*

The functions of public safety shall be performed by the police department and such other bureaus, divisions and units as may be provided by ordinance or by orders of the city manager consistent therewith.

The City of Colonial Heights may enter into contractual relationships with neighboring political subdivision for the support and utilization of a joint fire department which shall be responsible for the protection from fire of life and property within the city, and may, at any time, establish a city fire department for such purpose.

§ 11.2. *Police Department.*

The police department shall consist of the chief of police and such other officers and employees of such ranks and grades as may be established by ordinance. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, the ordinances of the city and all rules and regulations made in accordance therewith. The chief of police and the other members of the police force of the city shall have all the powers and duties of police officers as provided by the general laws of the Commonwealth.

§ 11.3. *Chief of Police.*

The head of the police department shall be the chief of police and shall be appointed by the city manager. Under the general supervision of the city manager, he shall be in direct command of the police department. He shall appoint all members of the department and assign all members of the department to their respective posts, shifts, details and duties. He shall with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment, their training and the penalties to be imposed for infractions of such rules and regulations. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager, relating to the police department shall be transmitted in all cases through the chief of police or in his absence from the city or incapacity through an officer of the department designated as acting chief by the city manager. Disobedience to the lawful commands of the chief of police or violation of the rules and regulations made by him with the approval of the city manager shall be ground for removal or other disciplinary action as provided in such rules and regulations, subject to the provisions of Chapter 9 of this charter.

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§ 11.4. *Special Police.*

The Municipal Judge in time of grave public emergency, may appoint and equip a sufficient number of special policemen to preserve the peace, safety and good order of the community. The Municipal Judge shall also appoint such employees of the city to be special policemen who while in the performance of their official duties shall have the powers and duties of policemen. The Municipal Judge may in his discretion, upon the application of any individual, firm or corporation showing the necessity therefor, appoint one or more special policemen, to be paid by the applicant, who shall have the powers and duties of policemen while in or on the premises of such applicant or in the actual performance of the duties for which employed. Special policemen shall be subject to the rules and regulations of the police department and their appointment shall be revocable at any time by the Municipal Judge.

§ 11.5. *Fees.*

The regular members of the police force and the special police shall receive all fees and allowances prescribed by law arising out of the exercise of their powers and duties, which shall be collected by the chief of police and paid into the city treasury, except that witness fees allowed for attendance upon the courts of record may be paid to and retained by such members as individuals.

§ 11.6. *Civil Defense Traffic Police.*

The City Manager when advised of any large gathering of people requiring additional traffic control police and with the consent of the local coordinator of Civil Defense may appoint and equip a sufficient number of regular civil defense police to act as special policemen to regulate traffic and to preserve the peace, safety and good order of the community. Civil Defense Traffic Police shall be subject to the rules and regulations of the police department and shall have official status as city policemen only while such gathering is coming together, assembled or departing therefrom.

§ 11.7. *Fire Department.*

The city council by ordinance may establish a paid or voluntary fire department and provide for its composition and all orders, rules and regulations for the government of the department.

CHAPTER 12
DEPARTMENT OF PUBLIC WORKS

§ 12.1. *Department of Public Works.*

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public works which shall consist of the director of public works, who shall be, or be appointed by, the city manager, and such other officers and employees organized into such bureaus, divisions and other units as provided by this chapter or as may be provided by ordinance or by the orders of the director consistent therewith.

§ 12.2. *Functions.*

The department of public works shall be responsible for: (a) the making of such surveys, reports, maps, drawings, plans, specifications and estimates as may be requested from time to time by the council, the city manager or the head of any department, or any board, commission or agency of the city, provided that the city manager may, with the approval of the council, employ consulting engineers or architects in connection with the design of any building, work or improvement; (b) the custody of all maps or plans of the city or any part thereof which were filed at the effective date of this charter in the office of the director of public works and all such maps or plans hereafter made and not expressly required by law or ordinance to be filed in some other place, and any map or plan of the city or

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any part thereof made in accordance with any law or ordinance and in the custody of the department of public works, or a copy thereof attested by the director of public works, shall be evidenced in the courts of the Commonwealth of the facts shown thereon; (c) the supervision of the execution and performance of all contracts for capital improvement projects as defined in subsection (a) of § 7.2 of this charter, and no payment shall be made by the city upon any such contract without the certificate of the director of public works that the work or the portion thereof for which such payment is to be made has been satisfactorily performed in accordance with the terms of such contract, provided that when the plans and specifications for any capital improvement project have been prepared under the authority of the school board or department of public utilities by some person or agency other than the department of public works, the contract may be supervised and the certificate above required shall be issued by a person or agency to be designated by the school board or the director of public utilities, as the case may be; (d) the construction of any capital improvement project by employees of the department of public works when ordered, as hereinafter provided in this chapter, by the council or the city manager; (e) the maintenance and cleaning of streets, alleys, other public places, bridges, viaducts, subways and underpasses; (f) the maintenance of storm water sewers, drains and culverts, the collection of garbage and other refuse and the maintenance and operation of facilities for the disposal of the same, subject to the authority of the director of public health in matters affecting the public health; (g) the maintenance, heating, lighting and janitorial service for all city-owned buildings except those under the jurisdiction of the school board and the department of public utilities, and except when otherwise provided by this charter, law, ordinance or the directions of the city manager; (h) the determination, in accordance with such ordinances on the subject as the council may adopt, of the conditions under which street surfaces may be cut by the department of public utilities or any person, firm or corporation, for the purpose of laying, relocating, removing, connecting or repairing pipes or conduits therein, and the time within and the manner in which such work shall be completed and such cuts filled and the street surface restored; (i) the inspection of buildings, and electrical wiring and plumbing installations, and the issuing of permits for such construction, maintenance, repair and installations to secure compliance with existing codes or as may be provided by ordinance; (j) requiring every merchant, retailer, trader, and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause their weights to be sealed by a city sealer, and to be subject to his inspection; and (k) such other powers and duties as may be assigned to the department by ordinance.

§ 12.3. *Director of Public Works. Qualifications.*

The head of the department of public works shall be the director of public works. In making the appointment of such director, consideration shall be given to the applicant's experience in public works problems and public works administration.

§ 12.4. *Director of Public Works. Powers and Duties.*

The director of public works shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all the officers and employees of the department and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business.

§ 12.5. *Grading of Streets.*

Whenever the council shall have determined to grade or change the grade of any street, alley or public place within the city, if the work be of such a nature as may cause damage to the abutting landowners it shall be

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the duty of the director of public works to ascertain what damages, if any, will accrue to the owners of the property likely to be so affected. It shall further be the duty of the director of public works, such ascertainment having been made, to give such notice and hearings and to make such reports and proceed in such manner as is required by §§ 15-767, 15-768, 15-769 and 15-770 of the Code of Virginia. The amount finally ascertained, in the manner provided in the said sections, to be due to any property owner shall have the effect of a judgment in favor of the property owner and against the city as of the date of such final ascertainment.

§ 12.6. *Assessment of the Cost of Certain Improvements upon Abutting Landowners.*

Before the council shall order the assessment of the whole or any portion of the cost of any improvement, as provided in subsection (a) of § 2.3 of this charter, it shall give notice to the abutting landowners as required by §§ 15-669 through 15-671, and § 15-674 of the Code of Virginia, and all further proceedings in relation to such assessment shall be governed by the provisions of §§ 15-669, 15-670, 15-671, 15-672, 15-673, 15-674, 15-675, 15-676 of the Code of Virginia relating to notice, hearings, appeals and other procedural matters; provided that it shall be the duty of the director of public works to ascertain the cost of such improvement and that any duties which under said sections may be performed by an officer of the city, shall be performed by the director of public works.

§ 12.7. *Contracts for Capital Improvement Projects.*

When ever any capital improvement project is to be undertaken by the city or any department, board, commission or agency thereof, including the school board, the department of public works shall cause plans, specifications and estimates of cost of such capital improvement project to be made. The school board and department of public utilities may utilize the services of the department of public works in preparing plans, specifications and estimates of cost for capital improvement projects relating to their respective functions but they may, in the discretion of the school board or director of public utilities, as the case may be, cause such plans and specifications to be prepared by their own employees or by architects and engineers engaged for the purpose. In the case of any capital improvement project, except one relating to school buildings and grounds, if the estimate of cost is Ten Thousand Dollars or less it may, in the discretion of the city manager, be constructed either by contract or by the employees of the department of public works or the department of public utilities, as the case may be. If the estimate of cost is more than Ten Thousand Dollars, such capital improvement project shall, except as hereinafter provided, be constructed by contract. No contract for any capital improvement project estimated to cost more than One Thousand Dollars shall be let except upon sealed bids based on the plans and specifications prepared by the department of public utilities, which bids shall be advertised for, received, opened and tabulated by the purchasing agent in the manner and subject to the conditions prescribed by ordinance. The contract shall be awarded by the purchasing agent to the lowest responsible bidder, provided that the city manager, when the estimated cost of the capital improvement project is Ten Thousand Dollars or less, and the council in all cases, may authorize the rejection of all bids, instruct the purchasing agent to readvertise for bids with or without modification of the plans and specifications for such capital improvement project or order the same to be constructed by the department of public works or the department of public utilities, as the case may be. A record of all bids, showing the names of the bidders and the amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved by the purchasing agent for six years in a file which shall be open to public in-

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spection during regular business hours. No capital improvement project which is essentially a unit shall be divided for the purpose of evading the intent of this section.

§ 12.8. *School Board Contracts for Capital Improvement Projects.*

The school board may make use of the contract procedure provided by § 12.7 and if it does so, the authority to reject all bids and order the purchasing agent to readvertise for bids shall be vested in the school board, provided that the execution of any capital improvement project relating to school buildings or grounds shall not be undertaken by the department of public works except upon the request of the school board and with the approval of the city manager. The school board may, in its discretion, adopt its own procedure for the letting of contracts for capital improvement projects, provided that no such project involving an estimated cost of more than Ten Thousand Dollars shall be let except on sealed bids. No contract or bid of the city school board for capital improvements shall be let out for bid or entered into until the same shall have been first forwarded to the director of public works for approval or disapproval as to contents and to the City Attorney for approval or disapproval as to form. The director of public works and the City Attorney shall return the same to the school board within 15 days endorsed approved or disapproved and in the event the same is disapproved, the director of public works or the City Attorney, as the case may be, shall state in writing his reasons for disapproval. In the event that the director of public works or the City Attorney fail to return the contract or bid within the said 15 days, approval of the contract or bid shall be deemed approved by said official.

§ 12.9. *Inspection Functions.*

The director of public works shall supervise and be responsible for: (a) receiving all applications for permits under the existing building, electrical, and plumbing codes of the city or as may be provided by ordinance, as well as applications for any work sought to be done by private parties in the streets of the city or upon public property, and shall issue or refuse such permits according to the regulations of the existing code or as may be provided by ordinance, and inspecting all such construction, maintenance, repair, and installations to insure compliance with all of the requirements of the aforementioned code and the approved plans and permits; (b) the inspection by the city sealer of all weights, measures and weighing or measuring devices used in the city, and all weights, scales and measures used in commerce which may be found, or can be made to agree with the standard as provided by existing code or as may be provided by ordinance, shall be sealed by the city sealer, and all which do not or cannot be made to agree therewith shall be defaced and destroyed by the city sealer.

CHAPTER 13

DEPARTMENT OF PUBLIC UTILITIES

§ 13.1. *Department of Public Utilities.*

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public utilities which shall consist of the director of public utilities, who shall be, or be appointed by, the city manager, and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith.

§ 13.2. *Functions.*

The department of public utilities shall be responsible for: (a) the operation of the water and sanitary sewer utilities of the city; (b) the collection of all charges for the services of such utilities; (c) such other powers and duties as may be assigned to the department by ordinance.

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§ 13.3. *Director of Public Utilities. Qualifications.*

The head of the department of public utilities shall be the director of public utilities. He shall be a person trained and skilled in public utility problems and shall have had at least five years' experience in public utility operation or administration.

§ 13.4. *Director of Public Utilities—Powers and Duties.*

The director of public utilities shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business.

§ 13.5. *Bureau of Billing and Collection.*

There shall be a bureau of billing and collection in the department of public utilities, which shall be responsible for the collection of all charges for the use of water, sanitary sewers and other services incident thereto. The collection of unpaid bills may be enforced in the manner now or hereafter prescribed by law or ordinance.

§ 13.6. *Each Utility a Separate Enterprise.*

The city council by ordinance, may provide that the water and sanitary sewer utilities shall be conducted as a separate enterprise and may further provide for the billing and collection of each utility, for separate budgets for each utility and for separate accounting of each utility.

§ 13.7. *Changes in Rates.*

The rates to be charged for the respective services of the water and sanitary sewage utilities shall be fixed from time to time by the council on the recommendation of the director of public utilities and the city manager.

§ 13.8. *May Utilize Department of Public Works.*

The functions of construction, maintenance, repair and installation pertinent to the operation of the water and sanitary sewer utilities, including sewage disposal plants may be performed, at the option of council, by the department of public works and the director of public works shall charge all costs incident thereto to the department of public utilities.

CHAPTER 14
DEPARTMENT OF PUBLIC HEALTH

§ 14.1. *Department of Public Health.*

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b), and 4.2 (c) of this charter, there shall be a department of public health which shall consist of the director of public health and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith.

§ 14.2. *Functions.*

The department of public health shall be responsible for: (a) enforcing all laws and ordinances and all lawful rules and regulations of the department as hereinafter provided, relating to the preservation and promotion of public health and sanitation; (b) the protection of the inhabitants of the city from contagious, infectious and other diseases; (c) the abatement of nuisances detrimental to public health; (d) the operation of city hospitals, sanatoria and laboratories and the furnishing of medical aid and care to the indigent; (d) the conducting of clinics, nursing and educational services for the preservation and promotion of public health; (f) the collection of morbidity and vital statistics; and (g) such other powers and duties as may be assigned to the department by ordinance.

§ 14.3. *Director of Public Health—Qualifications.*

The head of the department of public health shall be the director of

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public health. He shall be a person trained and skilled in public health problems and shall have had at least five years' experience in public health work.

§ 14.4. *Director of Public Health—Powers and Duties.*

The director of public health shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, provided that all regular officers and employees of the department who are included in the unclassified service by reason of their professional status as physicians or dentists shall be disciplined or removed only in the manner prescribed for the discipline or removal of members of the classified service and shall be subject to the provisions of §§ 9.7, 9.8 and 9.10 of this charter.

§ 14.5. *Director of Public Health—Further Powers and Duties.*

The director of public health shall further have all the powers and duties with respect to the preservation of the public health which now are or may hereafter be conferred or imposed on municipal boards of health and health officers by the laws of the Commonwealth, as well as all the powers and duties conferred or imposed on him by this charter and the ordinances of the city. He shall have the power, with the approval of the board of health, to make rules and regulations for the preservation of the public health, not inconsistent with the laws of the Commonwealth and the ordinances of the city, which shall have the force of law. The penalties for the violation of any such rules and regulations shall be fixed by ordinance.

§ 14.6. *Contractual Relationships.*

The City of Colonial Heights may enter into contractual relationship with the Commonwealth and neighboring political subdivisions for the support and utilization of a joint board of health to effectuate any, or all of the functions of the department of health.

CHAPTER 15
DEPARTMENT OF PUBLIC WELFARE

§ 15.1. *Department of Public Welfare.*

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of public welfare which shall consist of the director of public welfare and such officers and employees organized in such bureaus, divisions and other units as may be provided by ordinance or the orders of the director consistent therewith.

§ 15.2. *Functions.*

The department of public welfare shall be responsible for: (a) the duties imposed by the laws of the Commonwealth relating to public assistance and relief of the poor; (b) the operation of a city home; and (c) such other powers and duties as may be assigned to the department by law or ordinance.

§ 15.3. *Director of Public Welfare—Qualifications.*

The head of the department of public welfare shall be the director of public welfare. He shall be a person trained and experienced in welfare administration.

§ 15.4. *Director of Public Welfare—Powers and Duties.*

The director shall have, subject to the laws of the Commonwealth relating to public assistance, general management and control of the several bureaus, divisions and other units of the department, including the appointment and removal, subject to the provisions of Chapter 9 of this charter, of all officers and employees of the department and the making of rules and regulations, consistent with this charter and the ordinances of the city, for the conduct of its business.

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§ 15.5. *Contractual Relationships.*

The City of Colonial Heights, at the option of the council, may enter into contractual relationships with neighboring political subdivisions for the administration of public aid and assistance, and the care, maintenance and support of the aged, indigent, and infirm.

CHAPTER 16
DEPARTMENT OF RECREATION AND PARKS

§ 16.1. *Department of Recreation and Parks.*

Unless otherwise provided by the council pursuant to §§ 4.2 (a), 4.2 (b) and 4.2 (c) of this charter, there shall be a department of recreation and parks which shall consist of the director of recreation and parks and such other officers and employees organized into such bureaus, divisions and other units as may be provided by ordinance or by the orders of the director consistent therewith.

§ 16.2. *Functions.*

The department of recreation and parks shall be responsible for: (a) organizing and conducting recreation programs for all age groups in various parts of the city; (b) operating and maintaining all public parks, grounds, playfields and playgrounds of the city both within and without its boundaries, except those under the jurisdiction of the school board; (c) operating and maintaining all city cemeteries; (d) operating and maintaining nurseries for flowers, vines, shrubs and trees for use in the public parks, grounds, streets and ways of the city; (e) planting and care of all flowers, vines, shrubs and trees in the public parks, grounds, streets and ways of the city; (f) operating and maintaining all buildings, museums, gardens, monuments, lakes, swimming pools, rest rooms, restaurants, refreshment stands and other facilities and establishments situated in the public parks and grounds under the jurisdiction of the department; (g) promoting, sponsoring and managing public concerts, entertainments and other recreational activities; and (h) such other powers and duties as may be assigned to the department by ordinance. The department of recreation and parks shall be permitted to utilize grounds and buildings under the jurisdiction of the school board at such hours and on such days as they are not in use for other educational purposes, subject to such reasonable rules and regulations as the school board may establish, and provided that the department of recreation and parks shall be responsible for any damage or extra expense arising from its use of the school grounds and buildings. When authorized by the council and upon such terms and conditions as it may provide, the department of recreation may lease concessions and other facilities in the public parks and grounds under its jurisdiction, fix and collect charges for the use of its facilities and services, fix and collect charges for admission to concerts, entertainments and other recreational activities sponsored by it and sell or exchange the surplus products of the city nurseries. The repair and maintenance of all buildings, drives and walks in parks and grounds under the jurisdiction of the department may, when so directed by the city manager, be performed by the department of public works.

§ 16.3. *Director of Recreation and Parks. Qualifications.*

The head of the department of recreation and parks shall be the director of recreation and parks. He shall be a person trained and experienced in recreational activities, with experience in the administration of public recreation or parks.

§ 16.4. *Director of Recreation and Parks. Powers and Duties.*

The director of recreation and parks shall have general management and control of the several bureaus, divisions and other units of the department. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, and he shall have the power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business.

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§ 16.5. *Rules and Regulations.*

The council shall have power to adopt by ordinance all needful rules and regulations relating to the use of public grounds, parks, playfields, playgrounds and cemeteries, whether within or without the city, and for the preservation of order, safety and decency therein. For the purpose of enforcing such rules and regulations, all such public grounds, parks, playfields, playgrounds and cemeteries shall be under the police jurisdiction of the city. Any member of the police force of the city, or park employee appointed as a special policeman shall have power to make arrests for violations of any such rule or regulations.

§ 16.6. *Advisory Board of Recreation and Parks.*

There shall be an advisory board of recreation and parks consisting of five members, of whom one shall be a member of the school board, appointed by the school board, and one a member of the city planning commission, appointed by the city planning commission, for terms of two years from the first day in September, 1960, and every two years thereafter, but in no case shall a member so appointed continue to be a member of the advisory board of recreation and parks after the expiration of his term as a member of the school board or the city planning commission, as the case may be; and of whom three shall be appointed by the council for terms of three years, provided that the members in office at the effective date of this charter are hereby continued in office for the terms they were appointed, and new appointments shall be made annually from the first day in September in such a manner that one or more, but less than three, of the appointments expire annually. Vacancies shall be filled by the Authority making the appointment, for the unexpired portion of the term. The advisory board of recreation and parks shall choose annually one of its own number to be chairman for a term of one year and until his successor is chosen and qualified. An employee of the department of recreation and parks shall be assigned by the director of recreation and parks to act as secretary of the board. It shall hold such regular meetings as it may determine. Special meetings may be held at any time on the call of the director of recreation and parks. The advisory board of recreation and parks shall advise with the director of recreation and parks on all matters submitted by him for their consideration. The members of the advisory board of recreation and parks shall serve without compensation.

CHAPTER 17
PLANNING, ZONING AND SUBDIVISION CONTROL

§ 17.1. *Planning Powers.*

In addition to the powers granted under prevailing State laws and elsewhere in this charter, the council is authorized and empowered to make and adopt planning ordinances and approve a comprehensive master plan for the orderly development of the city to promote health, safety, morals, comfort, prosperity, and general welfare. The master plan may include but shall not be limited to the following:

(a) The general location, character and extent of all streets, highways, superhighways, freeways, avenues, boulevards, roads, lanes, alleys, walks, walkways, parks, parkways, squares, playfields, playgrounds, recreational facilities, stadia, arenas, swimming pools, terminals, airports, and other public places or ways, and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension thereof.

(b) The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof.

(c) The general location, character and extent of slum clearance, housing, and neighborhood rehabilitation projects, including the demolition, repair or vacation of substandard, unsafe or unsanitary buildings.

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(d) A general plan for the control and routing of railways, street-car lines, bus lines and all other vehicular traffic.

(e) A comprehensive zoning plan for the zoning of all or any part of the area within the city.

(f) The general location, character and extent of use and development of land in areas beyond the corporate limits of the city which may be considered for annexation.

§ 17.2. *The City Planning Commission—Composition.*

There shall be a city planning commission which shall consist of seven members appointed by the council. One member shall be a member of the council who shall be appointed for a term coincident with his term in the council; one member shall be a member of the board of zoning appeals appointed for a term coincident with his term on such board; one member shall be the city manager or an administrative officer or employee bers shall be qualified voters of the city who hold no office of profit under of the city designated from year to year by the council; four citizen memthe city government, appointed for terms of four years; provided that the citizen members of the city planning commission previously appointed by the mayor and in office at the effective date of this charter shall continue to serve as members of the commission for the terms for which they were appointed, and provided further, that of the citizen members first appointed thereafter by the council, two shall be appointed for two years and two for four years from the first of January following their appointment. Vacancies shall be filled for the unexpired portion of the term. Members of the city planning commission shall serve as such without compensation.

§ 17.3. *Organization and Expenditures.*

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures, exclusive of gifts to the commission, shall not exceed the sums appropriated by the council therefor.

§ 17.4. *Duty to Adopt Master Plan.*

It shall be the duty of the commission to make and adopt a master plan which, with accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development.

§ 17.5. *Control of Monuments and Other Works of Art.*

It shall be the further duty and function of the commission to make recommendations to the city council to provide for the preservation of historical landmarks; and to control the design and location of statuary and other works of art which are or may become the property of the city, and the removal, relocation and alteration of any such work; and to consider and suggest the design, of bridges, viaducts, airports, stadia, arenas,

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swimming pools, street fixtures and other public structures and appurtenances.

§ 17.6. *Adoption of Master Plan by Commission.*

The commission may adopt the plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the area to be covered by the master plan or with functional subdivision of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the city. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, shall be certified to the council and upon approval by it to the clerk of the circuit court of the city who shall file the same.

§ 17.7. *Effect of Adoption of Master Plan.*

Whenever the commission shall have adopted a master plan for the city or one or more parts thereof, geographical, topographical or functional, and the master plan or such part or parts thereof shall have been approved by the council, and it has been certified and filed, as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure, shall be constructed or authorized in the city or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 17.10 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, as well as the acquisition by the city of any land within or without the city for public purposes, or the sale of any land then held by the city, shall be subject to similar approval, and in case the same is disapproved, such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way.

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§ 17.8. *Capital Budget.*

It shall be the duty of the commission to prepare and revise annually a program of capital improvement projects for the ensuing five years, and it shall submit the same annually to the city manager, at such time as he shall direct, together with its recommendations, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in the next four years, as the basis of the capital budget to be submitted to the council by the city manager. In the preparation of its capital budget recommendations, the commission shall consult with the city manager, the heads of departments and interested citizens and organizations, and shall hold such public hearings as it shall deem necessary.

§ 17.9. *Further Planning Powers and Duties of the Commission.*

The commission shall have power to promote public interest in and understanding of the plan, and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine. The commission shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional or other organizations, and with citizens, with relation to the protection or carrying out of the plan. All public officials shall, upon request, furnish to the commission within a reasonable time, such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties, may enter upon any land in the city and make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this charter. The commission shall make an annual report to the council concerning its activities.

§ 17.10. *Zoning Powers.*

In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt by ordinance, a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic and other danger; promote health, sanitation and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provisions for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into districts with such boundaries as the council deems necessary to carry out the purposes of this chapter, and shall provide for the regulation and restriction of the use of land, buildings, and structures in the respective districts and may include, but shall not be limited to, the following:

(a) It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses.

(b) It may regulate the heights, area, bulk, size, design and appearance of buildings and structures and the appropriateness of their use in the districts.

(c) It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces.

(d) It may restrict the portion of the area of lots that may be occupied by buildings and structures.

(e) It may prescribe the area of lots and the space in buildings that may be occupied by families.

(f) It may require that spaces and facilities deemed adequate by the

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council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles.

(g) It may permit the designed use and development of land not less than ten acres in extent in a manner varying in certain respects from the regulations and restrictions prescribed for the district or districts in which such land is situated, provided that such designed use shall be approved by the city planning commission and the council, and adopted as a part of the master plan of the city.

(h) It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event, within a reasonable period of time to be specified in the ordinance.

§ 17.11. *Considerations to Be Observed in Adoption and Alteration of Regulations.*

The regulations and restrictions shall be enacted with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of land, buildings and structures and encouraging the most appropriate use thereof throughout the city. Upon the enactment of the ordinance dividing the city into districts and regulating and restricting the use of land, buildings and structures therein in accordance with a comprehensive zoning plan; no land, building or structure shall be changed from one district to another district unless the change is in accord with the interest and purposes of this section and will not be contrary to the comprehensive zoning plan and the enumerated factors upon which it is based and the regulations and restrictions applicable to the districts involved in the change. Aside from extensions from an existing zone to immediately adjoining or adjacent properties, no change in district boundaries shall be made so as to include less than the entire area fronting on the same street in one block, but such change need not include such portions of corner lots as may be within one hundred feet of the streetline of the intersecting streets which bound the block, and in blocks where the frontage on the same street is seven hundred feet or more, the change need not include more than three hundred and fifty continuous feet thereof.

§ 17.12. *Duties of the City Planning Commission with Relation to Zoning.*

It shall be the duty of the city planning commission to prepare and submit to the council a comprehensive zoning plan as referred to in § 17.10 and from time to time prepare and submit such changes in or revisions of the said plan as changing conditions may make necessary.

§ 17.13. *Adoption and Amendment of Regulations and Restrictions and Determination of District Boundaries.*

Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and determine the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time, amend, supplement or repeal the same. The council shall also have authority to provide

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for the collection of fees to cover at least the costs involved in the consideration of any request for amendment, supplement or repeal of any such regulations, restriction or determination of boundaries, to be paid to the city clerk by the applicant upon filing such request. No such ordinance or amendment shall be adopted until: (a) the ordinance or amendment has been referred to the city planning commission and approved by it, subject to overrule by the council, as provided in § 17.7; and (b) until after a public hearing in relation thereto shall be held by the council at which the parties in interest and other persons shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be given by publication thereof in a newspaper of general circulation in the city.

§ 17.14. *Effect of Protest by Twenty Per Cent of the Owners of Property.*

If a protest is filed with the city clerk against such amendment, supplement or repeal, signed and acknowledged before a person authorized to administer oaths, by the owners of twenty per cent or more of the total area of the lots included in such proposed change or of the total area of the lots outside of the proposed change, any point in which is within one hundred and fifty feet of the boundary of such area, the council shall not adopt the ordinance making such amendment, supplement or repeal, except by the votes of two-thirds of the entire council.

§ 17.15. *Board of Zoning Appeals. Composition.*

There shall be a board of zoning appeals which shall consist of five regular members and one alternate. They shall be qualified voters of the city, shall hold no office of profit under the city government and shall be appointed by the council for terms of four years; provided that the members of the board of zoning appeals in office at the effective date of this charter shall continue to hold office until the first day of January following the expiration of the terms for which they were appointed, and the first alternate member shall be appointed to serve until the said date; and provided, further, that the council shall appoint two regular and one alternate member to serve for two years, and three regular members to serve for four years from said date. Thereafter, their successors shall be appointed for full terms of four years. Vacancies shall be filled by the council for the unexpired portion of the term. A regular or alternate member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after public hearing. Members of the board of zoning appeals shall serve without compensation.

§ 17.16. *Board of Zoning Appeals. Organization.*

The board shall elect a chairman and a vice-chairman from among its regular members for a term of one year who shall be eligible for reelection. The chairman shall preside at all meetings of the board and, in his absence, the vice-chairman or other member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and such other employees as may be needed for the conduct of the work of the board. The alternate member may take the place of any regular member who is absent or disqualified, in hearing and determining any matter before the board.

§ 17.17. *Board of Zoning Appeals. Procedure.*

The meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record.

§ 17.18. *Appeals to Board of Zoning Appeals.*

Appeals to the board may be taken by any person aggrieved, or by

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any officer, department, board, commission or agency of the city affected, by any decision of the administrative officer designated by the council to administer and enforce the ordinance dividing the city districts and regulating and restricting the use of land, buildings and structures therein. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule, by filing with the said administrative officer and with the board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the administrative officer from whose decision the appeal is taken certifies to the board that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application and on notice to the administrative officer and on due cause shown.

The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the issue within a reasonable time. At the hearing, any party may appeal in person, by agent, or by attorney, and shall be given an opportunity to be heard. The board may prescribe a fee to be paid whenever an appeal is taken which shall be paid into the city treasury.

§ 17.19. *Powers of Board of Zoning Appeals.*

The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the administrative officer in the administration and enforcement of the provisions of the ordinance.

(b) To grant variations in the regulations when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of the exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the ordinance actually prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the owner; provided, however, that all variations granted shall be in harmony with the intended spirit and purpose of this chapter and the ordinance.

(c) To permit, when reasonably necessary in the public interest, the use of land, or the construction or use of buildings or structures, in any district in which they are prohibited by the ordinance, by any agency of the city, county or state or the United States, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise affect public safety.

(d) To permit such other exceptions or grant variances from the strict application of the terms of the zoning regulations under the principles, standards, rules, conditions, and safeguards set forth in the zoning ordinance, provided they are determined to be consistent with the general purpose and intent of such ordinance.

§ 17.20. *Form and Scope of Decisions by Board of Zoning Appeals.*

In exercising the powers conferred upon it, the board may reverse or

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affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein, all of which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact based on sworn testimony, which finding of fact shall be reduced to writing and preserved among its records.

§ 17.21. *Appeals from Board of Zoning Appeals.*

Any person, firm or corporation, jointly or severally aggrieved, or in fact affected by any decision of the board of zoning appeals, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of said board, may appeal from such decision by filing a petition in the court of appropriate jurisdiction, verified by affidavit, setting forth the alleged illegality of the action of the board and the grounds thereof. The petition shall be filed within thirty days from the date of the decision of the board. No appeal from the decision of the board shall be allowed in any case involving the same petitioner, principles, property and conditions, previously passed upon by such court.

§ 17.22. *Procedure on Appeal.*

Upon filing of the petition, the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, notice to the board and due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents, but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents, the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit.

§ 17.23. *Powers and Duties of the Court.*

The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion.

§ 17.24. *Proceedings against Violators of Zoning Ordinance.*

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 17.13, the city may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property.

§ 17.25. *Penalties for Violation of Zoning Ordinance.*

The council may, in such ordinance, provide that fines and jail sentences, either or both, shall be imposed for violations of the ordinance

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by owners of land, buildings or structures, their agents having possession or control of such property, lessees, tenants, architects, builders, contractors or any other persons, firms or corporations or who maintain any land, building or structure in which such violations exist, which penalties shall not exceed those prescribed in Title 16.1 Chapters 6 and 7 of the Code of Virginia in force on November 1, 1959.

§ 17.26. *Land Subdivision.*

In order to provide for the orderly subdivision of land within the city, there is hereby conferred upon the city the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include, but shall not be limited to, the following: the location, size and layout of lots so as to prevent congestion of population, to provide for light and air, and to prevent the hazard of inundation, the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire-fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; reservation or dedication of suitable sites for schools, parks and playgrounds; planting of shade trees and shrubs; naming and designation of streets and other public places; laying out, construction and improving streets, alleys and sidewalks, the installation of public utilities and other physical improvements therein and the conditions under which the cost thereof shall be borne by the developer; and provisions for the guarantee of payment by the developer for the required improvements; procedure for making variations in such regulations and restrictions; requirements for preparing and recording plats of subdivisions including their size, scale, contents and other matters; and for the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines.

§ 17.27. *Hearing on Subdivision Ordinance.*

The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published once a week for two successive weeks in a newspaper of general circulation in the city. The notice shall specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views.

§ 17.28. *Adoption of Regulations and Restrictions Applicable Only within the City Limits.*

After hearing, as above provided, the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the city which, when recorded in the office of the clerk of the circuit court of the county, shall be in full force and effect.

§ 17.29. *Approval of Plats of Subdivision.*

The planning commission shall be the platting commission of the city, and, as such, shall have control of the platting or subdivision of land within the city. From and after the date on which such regulations and restrictions become effective in the city, the owners of tracts of land to which such regulations and restrictions are applicable, who subdivide them into two or more lots, shall cause plats of such subdivision, in the form prescribed by the applicable regulations and restrictions, to be made and submitted to the city planning commission. It shall be the duty of such commission to consider such plat in the light of the regulations and restrictions applicable to the same and approve or disapprove the plat in accordance therewith. Before taking any action thereon, the city planning commission shall afford the owner and other interested parties an opportunity to be heard after such reasonable notice as may be provided in such regulations and restrictions. Failure to act on any plat for a period

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of forty-five days shall be deemed to constitute approval unless a petition in a proper court has been filed as hereinafter provided in this section. Approval shall be attested on that plat by the signature of the chairman or vice-chairman of the city planning commission.

§ 17.30. *Recording of Plats of Subdivision.*

From and after the date on which such regulations and restrictions become effective in the city, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in the preceding section. No owner of land in the city in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the preceding section and has been recorded in the office of the clerk of the court or courts in which a deed conveying such lot would be required to be recorded.

§ 17.31. *Penalty for Transfer of Lots in Unapproved Subdivisions.*

Whoever being the owner or agent of the owner of any land in a subdivision subject to such regulations and restrictions, the plat of which has not been approved and recorded as above provided, shall transfer, sell or offer for sale or agree to sell any lot in such subdivision by reference to or exhibition of an unapproved and unrecorded plat or otherwise, shall forfeit and pay a penalty of one hundred dollars for each lot or similar parcel of land transferred or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer of other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the remedies herein provided. The city may enjoin such transfer or sale or agreement by proceedings for injunction brought in a court having jurisdiction of the land to which the injunction applies. The city in which any lot transferred, sold or offered for sale in violation of this chapter is situated, may recover the penalty provided therefor in a civil action brought in a court in whose jurisdiction such lot is situated, for the benefit of the city. In the absence of intent to evade the provisions of this section, the penalty may be waived in the case of an attempted transfer by will.

§ 17.32. *Transfer of Portion for Public Use.*

The recordation of the plat shall operate to transfer in fee simple to the city such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate and maintain with the consent of the city where the land lies, sewer, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works.

§ 17.33. *Vacation of Plats.*

Any plat or part thereof recorded may be vacated, with the consent of the council by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated, which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof or any unaccepted or abandoned street, or street recommended by the Planning Commission for vacation

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may be vacated according to the procedure provided in §§ 15-766, 15-766.1, 15-766.2 and 15-766.3 of the Code of Virginia as amended, for the alteration and vacation of streets and alleys. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated", and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded.

§ 17.34. *Use of Street for Twenty Years—Dedication—*

Whenever any piece, parcel or strip of land shall have been opened to and used by the public as a street, alley, lane or other public place or part thereof for the period of twenty years, the same shall thereby become a street, alley, lane, public place or part thereof for all purposes, and the city shall have the same authority and jurisdiction over and right and interest therein that it has by law over the streets, alleys, lanes and public places laid out by it, and thereafter no action shall be brought to recover such piece, parcel or strip of land so opened to and used by the public as aforesaid. Any street, alley, lane or other public place reserved in the division or subdivision into lots within the corporate limits of the city by a plat or plan of record shall be deemed and held to be dedicated to the public use and the council shall have authority, upon the petition of any person or corporation interested therein, to open such street, alley, lane or other public place or any portion of the same. No agreement between, or release of interest by, persons or corporations owning the lands immediately contiguous to any such street, alley, lane or other public place, whether the same has been opened or used by the public or not, shall avail or operate to abolish such street, alley, lane or other public place or to divest the interest of the public therein or the authority of the council over the same.

§ 17.35. *Present Master Plan, Comprehensive Zoning Plan and Subdivision Ordinance.*

The master plan, the comprehensive zoning plan, and subdivision ordinance as heretofore adopted, approved and filed, with all amendments, additions and extensions thereto, in force and effect at the effective date of this charter are hereby validated and confirmed as if the same had been prepared, adopted, approved and filed in accordance with the provisions of this chapter. Every amendment or addition thereto or extension thereof and every other master plan, comprehensive zoning ordinance, or subdivision ordinance henceforth adopted shall be in accordance with the provisions of this chapter. Where existing ordinances are at variance with the provisions of this chapter, they shall be deemed to be amended in accordance with the provisions of this chapter.

CHAPTER 18

ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES

§ 18.1. *Acquisition, Ownership and Use of Property.*

The city shall have, for the purpose of carrying out any of the powers and duties, power to acquire by gift, bequest, purchase or lease, and to own and make use of, within and without the city, lands, buildings, other structures and personal property, including any interest, right, easement or estate therein, and in acquiring such property to exercise, within and without the city, the right of eminent domain as hereinafter provided in this chapter. This power shall be in addition to the powers granted to the school board in § 20.2.

§ 18.2. *Eminent Domain.*

The city is hereby authorized to acquire by condemnation proceedings lands, buildings, structures and personal property or any interest, right, easement or estate therein, of any person or corporation, whenever in the opinion of the council a public necessity exists therefor, which shall be

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expressed in the resolution or ordinance directing such acquisition, and whenever the city cannot agree on terms of purchase or settlement with the owners of the subject of such acquisition because of the incapacity of such owner, or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because the owner or some one of the owners is a nonresident of the State or cannot with reasonable diligence be found in the state, or is unknown.

Such proceedings shall be instituted in the court of appropriate jurisdiction.

§ 18.3. *Procedure in Condemnation.*

The city may, in exercising the right of eminent domain conferred by the preceding section, make use of the procedure prescribed by the general law, as modified by said section.

§ 18.4. *Enhancement in Value When Considered.*

In all cases under the provisions of §§ 18.2 and 18.3, the enhancement, if any, in value of the remaining property of the owner by reason of the construction or improvement contemplated or made by the city, shall be offset against the damage, if any, resulting to such remaining property of such owner by reason of such construction or improvement, provided such enhancement in value shall not be offset against the value of the property taken, and provided further, that if such enhancement in value shall exceed the damage, there shall be no recovery over against the owner for such excess.

§ 18.5. *Unclaimed Funds in Condemnation Cases.*

Whenever any money shall have remained for five years in the custody or under the control of any of the courts enumerated in § 18.2, such money shall be disposed of pursuant to §§ 8-746 and 8-747 of the Code of Virginia.

CHAPTER 19
COURTS NOT OF RECORD

(a) *Municipal Court*

§ 19.1. *Court and Judge.*

There shall be a Municipal Court in the City of Colonial Heights as provided in Title 16.1, Chapter 3 of the Code of Virginia of 1950 in force on November 1, 1959. The Judge of the Municipal Court of said City shall be appointed by the Judge of the Circuit Court having jurisdiction of said City for a term of 4 years beginning January 1, 1961, as set forth in Title 16.1 of the Code of Virginia. The Civil and Criminal Jurisdiction of said Court shall be as set forth in Title 16.1, Chapters 6 and 7 of the Code of Virginia in force on November 1, 1959.

§ 19.2. *Oath and Bond.*

Such Municipal Judge, before entering upon the performance of his duties, shall take the oath prescribed by law and shall enter into bond in the penalty of two thousand dollars payable to the City of Colonial Heights, Virginia, and conditioned as the law directs, with corporate surety deemed sufficient by the Judge of said circuit court, which bond shall be filed with the clerk of the court and preserved in his office.

§ 19.3. *Compensation.*

Such Municipal Judge shall receive such monthly salary as the council may determine, which salary is to be paid in the same manner as the salaries of other officials are paid, and he shall receive no other compensation for his services as municipal judge.

§ 19.4. *Collection of Costs and Fees.*

The said Municipal Judge, Juvenile and Domestic Relations Judge or clerks of courts not of record, or justices of the peace, as the case may be, shall cause to be collected such costs and fees required by law to be paid to him in civil and criminal matters; the amount of such costs and fees shall be as provided in Title 14 of the Code of Virginia and by general law,

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provided that none of said fees shall be taxed against or paid by the said city; which fees and arrest and attendance fees shall be collected and paid into the city treasury and all fines collected shall be accounted for according to general law and city ordinances and paid into the treasury of the said city or to the state, whichever may be entitled thereto.

§ 19.5. *Docket Books.*

The said municipal judge shall keep a civil docket book and a criminal docket book, in which shall be entered all cases tried and prosecuted before him and all civil processes issued by him, except summonses for witnesses, the proceedings had therein and the disposition of same, which docket books shall be furnished by the council. All papers connected with any proceedings, before such judge, except such as may be removed on appeal, distress warrants, and such as in criminal matters may be required by law to be returned or lodged in the office of the Clerk of the Circuit Court having jurisdiction of the city, shall be properly indexed, filed and preserved. The council shall provide for such judge, the necessary and proper books, forms, files and office equipment, which shall be and remain the property of the city, and shall be turned over by such judge to his successor in office. The books and papers in such office shall be examined and audited at any time the council may see fit by such person or persons as the council may designate.

§ 19.6. *Record of Fees, Fines, Forfeitures and Costs.*

He shall keep a regular account of all fees, fines, forfeitures and costs imposed or arising in the administration of his office in both civil and criminal matters, which he shall report to the auditor, at such intervals and in such form as the council may require. The said municipal judge or the clerk of the police court, if such officer is appointed, or such other person as the council may designate for that purpose, shall collect all fines, forfeitures and costs imposed in said court and report to the auditor monthly such as have accrued to the city, and pay the same to the city treasurer not later than the fifth day of the next succeeding month in which collected, and shall segregate and transmit to the State Treasurer all fines and forfeitures accruing to the Commonwealth.

§ 19.7. *Location of Court; Absence of Judge.*

The municipal judge shall hold his court at such place and time as may be prescribed by the council, and if for any cause he is unable to act, the substitute municipal judge shall discharge the duties of the municipal judge prescribed herein during such inability.

§ 19.8. *Vacancies.*

Any vacancy occurring in the office of the municipal judge or substitute municipal judge from any cause, shall be filled by appointment of the Judge of the Circuit Court having jurisdiction over the City of Colonial Heights.

§ 19.9. *Substitute Municipal Judge.*

Substitute and Assistant judges may be appointed by the Judge of the Circuit Court and may only represent clients in the courts of said city as allowed and permitted by the Judge of the circuit court having jurisdiction over said city by appropriate order entered. He shall possess the qualifications for the municipal judge, and shall act for said municipal judge, when, from any cause, said municipal judge is unable to perform the duties of his office. When acting for said municipal judge, he shall be subject to all the provisions of law regarding the municipal judge and shall possess all the jurisdiction and exercise all the power and authority and receive the same salary as is prescribed by the municipal judge, prorated on a per diem basis; and either of said justices while serving as municipal judge may perform acts, with reference to the proceedings of the other in any matter, in the same manner and with the same force and effect as if they were his own. He shall take the oath prescribed by law and enter

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into bond in the sum of one thousand dollars, with corporate surety conditioned as provided by law.

§ 19.10. *Clerk of Municipal Court and Juvenile and Domestic Relations Court.*

The Judge of the Circuit Court having jurisdiction over the City of Colonial Heights shall upon the recommendation of the respective judge of the court not of record appoint a Clerk for courts not of record who shall be both the Clerk of the Municipal Court and the Clerk of the Juvenile and Domestic Relations Court. The salary of the Clerk shall be as provided by the council. The clerk shall give bond as the judge of the circuit court having jurisdiction over the city of Colonial Heights may require, and qualify by taking the oath before either the Judge of the Circuit Court or the Clerk of the Circuit Court. The clerk of the courts not of record shall serve at the pleasure of the Judge of the Circuit Court.

§ 19.11. *Justices of the Peace.*

There shall be one Justice of the Peace, as provided in Title 39, Chapter 1, of the Code of Virginia, of 1950, as in force on November 1, 1959, for every 2,000 inhabitants as shown by the last federal census or other census provided for by law. The justices of the peace shall be elected for office by the people for the term of four years and until his successor is elected and qualified unless sooner removed from office. Election for the office of Justice of the Peace shall be held on the 1st Tuesday in November 1960 following the first Monday and every 4 years thereafter. The term of office shall commence on January 1st, following election. Vacancies in office shall be filled by appointment of the Judge of the Circuit Court having jurisdiction over the city. Justices of the Peace shall take the oath prescribed by law and give bond in the penalty of one thousand dollars, conditioned according to law to be approved by the said Judge with corporate surety. He shall be a resident of the city during his term of office. Nomination for the office of Justice of the Peace shall be the same as in Chapter 3, Section 3.2.

He shall have authority to issue summonses in criminal cases and criminal warrants, returnable before, and to be heard and determined by the municipal judge or the substitute municipal judge and to bail persons charged with misdemeanors or violations of the city ordinances. His compensation shall be as determined by general law, and the same fees shall be collected by the said justice of the peace as are allowed by this charter to the municipal judge for issuing summonses in criminal cases, criminal warrants, search warrants, and admitting persons to bail in misdemeanor cases and for violations of the city ordinances, but in no case shall any of such fees be taxed against, chargeable to or paid for by the said city. The said justice of the peace shall be a conservator of the peace within the corporate limits of the city of Colonial Heights, but shall have no other authority, powers or jurisdiction except those provided for in this charter.

Justices of the peace in office at the effective date of this charter are hereby continued in office for the terms for which they are elected, or until January 1st, 1961, at which time all existing terms shall expire.

(b) *Juvenile and Domestic Relations Court.*

§ 19.12. *Court and Jurisdiction.*

There shall be a Juvenile and Domestic Relations Court in the City of Colonial Heights as provided in Title 16.1 Chapter 8 of the Code of Virginia of 1950 in force on November 1, 1959. The judge of the Juvenile and Domestic Relations Court of said city shall be appointed by the judge of the circuit court having jurisdiction of said city for a term of four (4) years beginning January 1, 1961. The judge of the Juvenile and Domestic Relations Court shall not practice before any court not of record in the City of Colonial Heights.

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CHAPTER 20
MISCELLANEOUS PROVISIONS

§ 20.1. *School District.*

At such time as the city of Colonial Heights shall be proclaimed a city of the first class, the city of Colonial Heights shall constitute a separate school district effective on the 1st day of July following such proclamation.

§ 20.2. *School Board.*

The school board shall consist of five trustees who shall be qualified voters of the city. The trustees in office at the effective date of this charter are hereby continued in office for the term for which they were elected.

On the third Tuesday in June 1960, and every three years thereafter, the council shall elect two trustees for a term of three years from the first day of July following their election and on the third Tuesday in June 1961 and every three years thereafter the council shall elect two trustees for a term of three years from the first day of July following their election. On the third Tuesday in July 1962 and every three years thereafter, the council shall elect one trustee for a term of 3 years from the first day of July following his election. Within 30 days after the effective date of this charter, the present city council shall elect one trustee to serve until June 30, 1961, or until his successor shall take office. Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context.

The salary of school board trustees and clerk of the school board shall be as determined by ordinance adopted by the city council.

In addition to the authority conferred upon the city by Chapter 7, the school board may borrow from the Literary Fund of Virginia or from such other sources as may be made available to it by general law.

§ 20.3. *Transfer of Books and Papers.*

If any person, having been an officer of the city, shall have vacated or been removed from office, and shall fail or refuse to deliver over to his successor in office, all the property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs. All books, records and documents used in any office, by virtue of any provision of this charter or of any ordinance or order of the council or any superior officer of the city, shall be deemed the property of the city and appertain to said office, and the chief officer thereof shall be responsible therefor.

§ 20.4. *Surety Bonds Required.*

All officers elected or appointed under the provisions of this charter shall, unless otherwise provided by general law or by this charter, execute such bonds with such corporate surety as may be required by the general law, or by this charter, and file the same with the City Clerk before entering upon the discharge of their duties. The city shall pay the premium on such bonds.

§ 20.5. *Rules and Regulations to be Filed.*

All departments, boards, commissions, officers and agencies of the city, authorized to make rules and regulations by this or any previous charter of the city or by the general laws of the Commonwealth, shall immediately after the first day of September, 1960, file with the city clerk, copies of all such rules and regulations previously issued by them and in force on such day, and shall thereafter file with said city clerk, copies of all rules and regulations and amendments thereof subsequently issued by

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them upon their issuance. It shall be the duty of the city clerk to keep in his office for public inspection a well-indexed file of the rules and regulations so filed.

§ 20.6. *Officers Must Not Be Interested in Contracts.*

No officer or employee of the city shall be interested in any contract entered into by the city with any person, firm or corporation, but this prohibition shall not apply to nonsalaried officers or nonsalaried members of boards and commissions in respect of contracts other than those in the making of which they have a part.

§ 20.7. *Contractual Relationships.*

The City of Colonial Heights may, at the option of the council, enter into contractual relationships with the Commonwealth and/or its departments, bureaus, boards and agencies, neighboring political subdivisions, and private agencies for the performance of any part of, or all of the functions, or purposes of the city, on such terms and for such periods as the council may determine to be in the public interest, where such contractual relations are not specifically prohibited by the Constitution and general laws of the Commonwealth.

§ 20.8. *Reprinting of Charter after Amendment.*

Within a reasonable time after the conclusion of any session of the General Assembly and the effective date of any amendment or amendments to this charter adopted at such session, the amendment or amendments shall be printed in such number of copies as the council shall order.

§ 20.9. *Officers to Hold Over Until Their Successors Are Appointed and Qualified.*

Whenever under the provisions of this charter, any officer of the city, judge or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice-mayor, such officer, judge or member shall continue to hold office until his successor is appointed and qualified.

§ 20.10. *Courtroom for Municipal Judge and Office Space for Constitutional Officers.*

It shall be the duty of the city to provide a suitable courtroom for the municipal judge of the city and suitable offices for the commissioner of revenue, city treasurer, city sergeant, commonwealth attorney and city attorney.

§ 20.11. *Posting of Bonds Unnecessary.*

Whenever the general law required the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, the city, without giving such bond, may exercise such right, provided all other conditions precedent be complied with, and no officer shall fail or refuse to act because the city has not filed or executed the bond that might otherwise be required, and the city shall be bound to the same extent that it would have been bound had the bond been given.

§ 20.12. *Code References.*

All references in this charter to the Code of Virginia are to the Code of 1950.

§ 20.13. *Definitions.*

(a) As used in this charter, the term "at the effective date of this charter" shall be interpreted to refer to a period immediately preceding the taking effect thereof.

(b) As used in this charter in reference to voting by the council, the term "elected members of the council" shall include those members, if any, elected by the council.

(c) Wherever in this charter any department, bureau, division, office, agency or officer is empowered or directed to take any action or perform any duty or function, such action may be taken or duty or function performed by the appropriate department, bureau, division, agency or officer to whom the duty or function is transferred by or pursuant to

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action of the council under §§ 4.2 (a), 4.2 (b), and 4.2 (c) or upon whom it is conferred by § 21.5.

(d) The term "board" or "boards", as used in this charter shall not include the school board unless the school board is specifically named. The term "member of the school board" shall have the same meaning as the term "school trustee", as used in the provisions of the Code of Virginia which refer to the school boards of cities and towns.

(e) As used in this charter, the term "print" shall include any method of reproducing or making multiple copies.

§ 20.14. *United States Government Employees.*

No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the Government of the United States, from serving as an officer or employee of the city, or as a member, officer, or employee of any board or commission, including the school board.

§ 20.15. *Oath of office and qualification.*

Except as otherwise provided by general law or by this charter, all officers elected or appointed under the provisions of this charter shall take oath of office and execute such bond as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the City Clerk, before entering upon the discharge of their duties, and if the requirements of this section have not been complied with by an officer within thirty days after the term of office shall have begun or after his appointment to fill a vacancy, then such office shall be considered vacant.

§ 20.16. *Officers to administer oaths.*

The Commissioner of the Revenue, City Clerk and City Treasurer, shall have power to administer oaths and to take and sign affidavits in the discharge of their respective official duties.

§ 20.17. *Bond.*

All officers elected or appointed under the provisions of this charter, shall, unless otherwise provided by general law or by this charter, execute such bonds, with such approved corporate security, as may be required by general law, by this charter, or by ordinance or resolution of the council, and file the same with the City Clerk before entering upon the discharge of their duties. The city shall pay the premiums on such bonds.

§ 20.18. *Place of holding Elections.*

All elections shall be held at such place or places within the city as the council by ordinance may prescribe.

§ 20.19. *Working Prisoners.*

Subject to the general laws of the State regulating the working of those convicted of offenses against the city, the council shall have the power to provide by ordinance for the employment or the working, either within or without the city limits, or within or without any city prison or jail, of all persons sentenced to confinement in the prison or jail for the violation of the ordinances of the City of Colonial Heights.

§ 20.20. *Penalty for Officers failing to perform duties.*

If any officer of the City of Colonial Heights, whether he be elected by vote of the people or by the council, or appointed by the council or the City Manager, who shall fail or refuse to perform any of the duties required of him by this charter by ordinance or resolution of the city council, shall be fined not less than five dollars nor more than one hundred dollars for each offense, and he and his sureties on his official bonds shall be liable for all damages which may accrue to the city or any other person by reason of such failure or refusal.

§ 20.21. *Powers of policemen.*

For the purpose of enabling the city to execute its duties and powers, each member of the police force and each policeman is hereby made and

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constituted a conservator of the peace and endowed with all the power of a constable in criminal cases and all other powers which under the laws of the State of Virginia and of the city may be necessary to enable him to discharge the duties of his office.

§ 20.22. *Partial invalidity.*

If any clause, sentence, paragraph, or part of this act, shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

§ 20.23. *General laws to apply.*

The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, the city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this State.

§ 20.24. *Board of Assessors.*

There shall be a Board of Assessors consisting of three qualified voters of the City who shall assess all real property in the City, as the council may by ordinance provide. The members of the Board of Assessors shall serve at the pleasure of the council. The duties and salary of the Board of Assessors shall be as the council shall provide by ordinance not inconsistent with the general laws of the Commonwealth, and other provisions of this charter.

§ 20.25. *Allowances and Expenses of Officers and Employees Representing City.*

The city council by resolution may provide for allowances and expenses of officers and employees representing the city.

§ 20.26. Notwithstanding the provisions of § 21.8 of this Chapter, upon the passage of this Act and until September 1, 1960, the powers and the duties of the Mayor and the City Council, in addition to such powers and duties set forth in this Charter, shall be as outlined in the charter granted the city under the Acts of the General Assembly of 1950 and the same are incorporated herein by reference.

CHAPTER 21
TRANSITIONAL PROVISIONS

§ 21.1. *Present Ordinances and Rules and Regulations Continued in Effect.*

All ordinances of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed in accordance with the provisions of this charter.

§ 21.2. *Validation and Ratification of Bonds, Taxes and Contracts.*

All bonds issued and sold, all contracts and obligations heretofore made by the council and government of the town and city, not inconsistent with the Constitution and the law of the Commonwealth, all taxes assessed and levied when the city was a town, and when the city was in transition from the status of a town to that of a city of the second class and when the city was a city of the second class, from March 10, 1950, to the effective date of this charter, are hereby validated, ratified and confirmed; and all proceedings authorizing the issuance of bonds, notes or other obligations of the City of Colonial Heights heretofore had are hereby validated, ratified and confirmed and shall not lapse or terminate or be otherwise affected by reason of any of the provisions contained in this charter, and such

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bonds, notes or other obligations may be authorized, sold or issued in accordance with the provisions of law in force prior to the effective date of this charter, or in accordance with the provisions of this charter.

§ 21.3. *Present Mayor to Continue in Office Until the First Day of September, 1960.*

The mayor in office on the date of the passage of this charter, or his successor, shall remain in office until the First day of September, 1960, at which time his term of office, irrespective of the term for which he was originally elected, shall terminate.

§ 21.4. *Continuance of Internal Organization of Departments.*

Except where this charter otherwise provides, the several bureaus, divisions and other administrative units of the departments of police, fire, public works, public health, public welfare and public utilities shall remain in the department in which they were located at the effective date of this charter until otherwise provided by ordinance, and present incumbents of positions shall continue to serve until the council provides otherwise in accordance with this charter.

§ 21.5. *Acting City Manager.*

Immediately upon passage of this charter, the city council shall consider the appointment of a temporary or acting city manager, whose powers and duties as contained in this charter shall not become effective until September 1, 1960, and may take such other action and prepare and adopt such ordinances as may be necessary or expedient to effectuate the transition from the present form of government to that established by this charter.

§ 21.6. *Severance Clause.*

If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered.

§ 21.7. *Transition Procedure.*

Should the federal census of nineteen hundred and sixty or other census provided by law, disclose that the City of Colonial Heights has a population in excess of ten thousand inhabitants, then the judge of the thirty-seventh circuit shall enter an order in the Circuit Court of Chesterfield County setting out such fact. A certified copy of such order shall be transmitted by the Clerk of said Court to the Secretary of the Commonwealth, who shall file and preserve the same in the records of his office and shall report to the Governor at once the fact that said city has a population in excess of ten thousand, as disclosed by such census. The Governor upon receiving such report, shall at once make proclamation of such fact, and that said city is a city of the First Class, a copy of which proclamation shall be certified to the Clerk of said Court who shall endorse thereon the date when received and record the same in the common law order book of said court.

After such proclamation has been recorded in the manner hereinbefore provided, the County of Chesterfield and the City of Colonial Heights shall constitute the Thirty-Seventh Circuit. There shall be held three terms of the city Circuit Court in each year as follows: On the third Monday in February, June and October. The first term of Court shall commence at the next succeeding regular term of court following the recordation of said proclamation.

Transition of the City of Colonial Heights to a first class city shall in no wise affect the existing form of City government as provided in this charter nor the terms of existing offices or the composition of the single chamber of council as herein provided.

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The Clerk's Office of the Circuit Court for said city may when authorized by the Judge of the Circuit Court for said City be closed on all days which are made legal holidays under the provisions of § 2-19 of the Code of Virginia of 1950, as amended; be closed on Saturday at twelve o'clock, noon, and be closed on Saturday between June 1st and September 15th.

As soon as the proclamation of a first class city shall have been recorded in the manner hereinbefore provided, the judge of the 37th Judicial circuit shall pass an order entered in term time or vacation, appointing a Circuit Court Clerk, a City Sergeant and a Commonwealth's Attorney for said city whose terms of office shall extend until the next regular general election, for respective offices of Circuit Court Clerk, City Sergeant or Commonwealth's Attorney, as the case may be. The Clerk of Circuit Court, City Sergeant and Commonwealth's Attorney shall assume their respective duties and take the oath of office prior to the first day of the next succeeding term of Court, as provided for in this section. The Commonwealth's Attorney in addition to duties prescribed by law, shall prosecute violations of city ordinances and when requested by the City Attorney and not inconsistent with the duties incumbent upon Commonwealth Attorneys of this state assist the City Attorney in the defense of any action at law or in equity brought against the City. Prior to the assumption of his duties for his appointive or elective term of office and each fiscal year thereafter, the Council of the City may set the amount of compensation to be paid by the City to the Commonwealth's Attorney for the performance of the duties set forth in this charter, which compensation shall be in addition to the salary provided by the State Compensation Board. The Commonwealth Attorney in the absence of the City Attorney, may at the request of the City Attorney and of the Council, be appointed acting City Attorney.

§ 21.8. *Repeal of Chapter 144 of the Acts of Assembly of 1950.*

Chapter 144 of the Acts of Assembly of 1950 entitled "An Act to provide a new charter for the City of Colonial Heights, Chesterfield County, Virginia . . .", approved March 10, 1950, and all acts amendatory thereof are hereby repealed.

§ 21.9. *Citation of Act.*

This act may for all purposes be referred to cited as the Colonial Heights Charter of nineteen hundred and sixty.

2. An emergency exists, and this act is in force from passage.

CHAPTER 214

An Act to amend and reenact § 13.1-214, as amended, of the Code of Virginia, relating to notice of meetings of members of nonstock corporations.

[H 176]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-214, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 13.1-214. Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting (except as a different time is specified below), either personally or by mail, by or at the direction of the president, or the secretary, or the officers or persons calling the meet-

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ing, to each member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid. In lieu of delivering notice as above, the corporation may publish such notice at least once a week for two successive calendar weeks in * *a* newspaper published in the city or county in which the registered office is located, or having a general circulation therein, the first publication to be not more than fifty days, and the second not less than * *seven* days, before the date of the meeting.

Notice of a members' meeting to act on an amendment of the articles of incorporation or on a plan of merger or consolidation shall be delivered or published in the manner provided above, not less than twenty-five nor more than fifty days before the date of the meeting. Any such notice that is mailed shall be accompanied by a copy of the proposed amendment or plan of merger or consolidation or a summary thereof and any such notice that is published shall state that copies of the proposed articles of amendment or plan of merger or consolidation will be supplied to members on request.

CHAPTER 215

An Act to amend and reenact §§ 2-222 and 2-267, as amended, of the Code of Virginia, relating to appeals from the Director of the Department of Purchases and Supply; to amend the Code of Virginia by adding a section numbered 2-211.1, creating the Board of Purchases and Supply; and to repeal § 2-161.1 of the Code of Virginia, relating to the Board of Accounts and Purchases.

[H 179]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 2-222 and 2-267, as amended, of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding a section numbered 2-211.1, as follows:

§ *2-211.1. There is hereby created a Board of Purchases and Supply which shall consist of five members appointed by the Governor to serve at his pleasure. The Board shall hear appeals from actions of the Director as provided in Articles 2 and 3 of this chapter.*

§ 2-222. Any bidder feeling himself aggrieved by an award made by the Director may appeal to the Board of * Purchases *and Supply,* which shall hear and determine the matters in the appeal; but notice of such appeal must be given the Director, in writing, within ten days from the date of the award appealed from.

§ 2-267. Any department, division, institution, officer, agency or other person aggrieved by any action taken by the Director of the Department of Purchases and Supply, pursuant to the provisions of this chapter, relating to centralized purchasing may appeal to the Board of * Purchases *and Supply.* In the event of such appeal notice shall be given and the matter heard and determined as provided in § 2-222.

2. That § 2-161.1 of the Code of Virginia is repealed.

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CHAPTER 216

An Act to amend and reenact § 2-259 of the Code of Virginia, relating to purchases of flour.

[H 180]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2-259 of the Code of Virginia be amended and reenacted as follows:

§ 2-259. Only soft winter wheat flour shall be purchased for, or used at State supported institutions, except that the three sanatoriums for tuberculosis, the University Hospital at Charlottesville, and the Medical College of Virginia, Hospital Division at Richmond may use fifty per centum of spring wheat flour; *provided, that with the approval of the Director first obtained, other flours may be purchased when required for special purposes.*

CHAPTER 217

An Act to repeal § 22-67, and all amendments thereof, of the Code of Virginia, relating to the salary of school board members and to amend the Code of Virginia by adding thereto a new section numbered 22-67.1, relating to the salary of school board members.

[H 191]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. § 22-67 of the Code of Virginia is repealed.

2. That the Code of Virginia be amended by adding thereto a section numbered 22-67.1 as follows:

§ 22.67.1. The county school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Accomack—four hundred dollars;
Albemarle—two hundred forty dollars;
Alleghany—two hundred forty dollars;
Amelia—two hundred forty dollars;
Amherst—four hundred twenty dollars;
Appomattox—two hundred forty dollars;
Arlington—twelve hundred dollars;
Augusta—five hundred dollars;
Bath—four hundred twenty dollars;
Bedford—three hundred dollars;
Bland—two hundred forty dollars;
Botetourt—six hundred dollars;
Brunswick—three hundred sixty dollars;
Buchanan—two hundred forty dollars;
Buckingham—two hundred forty dollars;
Campbell—two hundred forty dollars;
Caroline—eight hundred dollars;
Carroll—two hundred forty dollars;
Charles City—two hundred forty dollars;
Charlotte—two hundred forty dollars;
Chesterfield—nine hundred dollars;

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Clarke—two hundred forty dollars;
Craig—two hundred forty dollars;
Culpeper—two hundred forty dollars;
Cumberland—two hundred forty dollars;
Dickenson—two hundred forty dollars;
Dinwiddie—two hundred forty dollars;
Essex—eight hundred dollars;
Fairfax—twelve hundred dollars;
Fauquier—four hundred eighty dollars;
Floyd—two hundred forty dollars;
Fluvanna—two hundred forty dollars;
Franklin—four hundred twenty dollars;
Frederick—two hundred forty dollars;
Giles—six hundred dollars;
Gloucester—two hundred forty dollars;
Goochland—two hundred forty dollars;
Grayson—two hundred forty dollars;
Greene—two hundred forty dollars;
Greensville—three hundred dollars;
Halifax—six hundred dollars;
Hanover—two hundred forty dollars;
Henrico—nine hundred dollars;
Henry—two hundred forty dollars;
Highland—two hundred forty dollars;
Isle of Wight—three hundred dollars;
James City—two hundred forty dollars;
King and Queen—eight hundred dollars;
King George—eight hundred dollars;
King William—two hundred forty dollars;
Lancaster—six hundred dollars;
Lee—six hundred dollars;
Loudoun—two hundred forty dollars;
Louisa—two hundred forty dollars;
Lunenburg—two hundred forty dollars;
Madison—two hundred forty dollars;
Mathews—two hundred forty dollars;
Mecklenburg—two hundred forty dollars;
Middlesex—two hundred forty dollars;
Montgomery—two hundred forty dollars;
Nansemond—three hundred forty dollars;
Nelson—four hundred twenty dollars;
New Kent—two hundred forty dollars;
Norfolk—four hundred eighty dollars;
Northampton—two hundred forty dollars;
Northumberland—six hundred dollars;
Nottoway—two hundred forty dollars;
Orange—five hundred dollars;
Page—two hundred forty dollars;
Patrick—two hundred forty dollars;
Pittsylvania—two hundred forty dollars;
Powhatan—three hundred dollars;
Prince Edward—two hundred forty dollars;
Prince George—three hundred dollars;
Prince William—six hundred dollars;
Princess Anne—six hundred dollars;
Pulaski—six hundred dollars;
Rappahannock—two hundred forty dollars;

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Richmond—six hundred dollars;
Roanoke—three hundred sixty dollars;
Rockbridge—four hundred twenty dollars;
Rockingham—two hundred forty dollars;
Russell—two hundred forty dollars;
Scott—two hundred forty dollars;
Shenandoah—two hundred forty dollars;
Smyth—two hundred forty dollars;
Southampton—three hundred dollars;
Spotsylvania—six hundred dollars;
Stafford—two hundred forty dollars;
Surry—three hundred dollars;
Sussex—three hundred dollars;
Tazewell—two hundred forty dollars;
Warren—two hundred forty dollars;
Washington—three hundred dollars;
Westmoreland—six hundred dollars;
Wise—six hundred dollars;
Wythe—two hundred forty dollars;
York—six hundred dollars.

The school board of the following cities may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Alexandria—ten dollars per diem, not to exceed twenty-four days per year;

Charlottesville—ten dollars per diem, not to exceed twenty-four days per year;

Danville—Ten dollars per diem not to exceed twenty-four days per year;

Petersburg—ten dollars per diem not to exceed twenty-four days per year.

Any school board may in its discretion pay each of its members mileage, not to exceed seven cents per mile for each mile of travel by the most direct route in going to and returning from the place of meeting; provided further, that the school board of any county or city may in its discretion, pay to any members of such board who serve on the committee for control of any joint school established under the provisions of § 22-7 an additional amount not in excess of ninety dollars per annum. Such salary and mileage shall be paid as other school expenses are paid.

CHAPTER 218

An Act to amend the Code of Virginia by adding thereto a section numbered 46.1-342.1, authorizing certain counties to provide by ordinance for certain weight limits for vehicles upon certain roads, streets or highways, the assessment of certain liquidated damages as to certain overweight vehicles, and when and how each such assessment shall become a judgment and lien in favor of such county, and for the payment and allocation thereof.

[H 210]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto § 46.1-342.1 as follows:

§ 46.1-342.1. The governing body of any county which has with-

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drawn its roads from the secondary system of State highways in accordance with Chapter 415 of the Acts of 1932, may adopt ordinances providing weight limits in accordance with the weight limits established by § 46.1-339 for any vehicle or combination of vehicles passing over any such roads under the jurisdiction of such county, and providing further for the assessment of liquidated damages as to overweight vehicles at rates and amounts not exceeding those applicable to the liquidated damages under § 46.1-342. Such ordinances may provide: that upon conviction of any person for violation of any weight limit prescribed therein, the court shall assess the owner, operator or other person causing the operation of such overweight vehicle at such rate and amount as may be provided in such ordinance; that such assessment shall be entered by the court as a judgment for such county, and the entry of such judgment shall constitute a lien upon the overweight vehicle; that such sums shall be paid into the treasury of such county, and allocated to the fund appropriated by such county for the construction and maintenance of such roads under its jurisdiction. Such ordinances may include additional provisions relating to payment of such assessment and enforcement powers applicable to such county and corresponding to the provisions of § 46.1-342.

CHAPTER 219

An Act to provide a charter for the city of South Boston and to repeal Chapter 130 of the Acts of Assembly of 1883-1884, approved February 19, 1884, which provided a charter for the town of South Boston, and all amendments thereof.

[H 237]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The inhabitants of the territory embraced within the present limits of the city of South Boston as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue to be a body politic and corporate to be known and designated as the city of South Boston; and as such, and by that name, shall have perpetual succession, with the power to sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

§ 2. The boundaries of the city of South Boston shall be as shown on a plat thereof made in June, nineteen hundred fifty-two, and revised in October, nineteen hundred fifty-seven, and recorded November thirty, nineteen hundred fifty-nine, in plat book six, page ninety-five, in the Office of the Clerk of the Circuit Court of Halifax County, Virginia.

§ 3. The municipal government provided by this charter shall be known as the "Council-Manager Government" pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by its charter all powers of the city shall be vested in an elective council hereinafter referred to as the council which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinances.

§ 4. The legislative powers of the city shall be vested in a council consisting of seven members, including the mayor. Three members of the council and the mayor shall constitute a quorum and at a meeting so con-

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stituted, the mayor shall have the right to vote and at any other meeting of the council he shall have the right to vote in the event of a tie. Four members of the council shall constitute a quorum without the presence of the mayor. The terms of the three members of the council who were elected in June, nineteen hundred fifty-seven, shall expire on August thirty-one, nineteen hundred sixty-one. At the regular municipal election to be held on the second Tuesday in June, nineteen hundred sixty-one, and every four years thereafter, three councilmen shall be elected for a term of four years each. The term of the present mayor and the three members of the council who were elected at the regular municipal election in June, nineteen hundred fifty-nine, shall expire on August thirty-one, nineteen hundred sixty-three. At the regular municipal election to be held on the second Tuesday in June, nineteen hundred sixty-three, and every four years thereafter, the mayor and three councilmen shall be elected for a term of four years each.

The terms of office shall commence on September one following the election. The mayor and the councilmen shall serve until their successors are elected and qualified.

The mayor and members of the council shall receive compensation for their services in an amount to be determined by the council, which compensation shall not exceed eighteen hundred dollars per annum for the mayor nor six hundred dollars per annum for each of the remaining members of the council.

Vacancies in the council shall be filled within thirty days after such vacancy or vacancies occur for the unexpired term by a majority vote of the remaining members, provided that if the term of office to be filled does not expire for two years or more after the next regular election for councilmen following such vacancy, and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period remaining until such election and a qualified person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term.

The number of candidates equal to the number of vacancies to be filled for full terms receiving the highest, second highest, and third highest number of votes shall be entitled to such full terms, and the candidate receiving the fourth highest number of votes shall be entitled to the unexpired term caused by such vacancy.

§ 5. The mayor shall preside at meetings of the council, and shall be recognized as head of the city government for ceremonial purposes and by the Governor for purposes of military law. The mayor shall have the power to suspend and the council to remove any city officer appointed by the council for misconduct in office or neglect of duty to be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense.

The council shall elect from the members of the council a vice-mayor, and the vice-mayor shall in the absence or disability of the mayor perform all of the duties of that office.

If a vacancy shall occur in the office of mayor the council shall by majority vote of the remaining members choose one of their number to perform the duties and hold the office until a successor is elected and qualified as provided in § 4 of this charter.

§ 6. The powers set forth in §§ 15-77.5 through 15-77.70 of Chapter 5.1 of Title 15 of the Code of Virginia as in force on January one, nineteen hundred fifty-nine, are hereby specifically conferred upon the city of South Boston, as provided in and pursuant to the provisions of said Chapter of the Code of Virginia.

The council also shall have power to require the payment to the city

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of a tax not exceeding ten per centum of the gross amount of any bill, statement or account made up for the collection for services rendered in furnishing electric light or power or for services rendered by any public utility company within the corporate limits of the city of South Boston, and may require that such tax be added to the statement rendered for such service and that it be paid to the city upon collection thereof at regular intervals to be prescribed by the council.

The council shall have power to require the payment of a tax to the city of not exceeding two cents upon every ticket or paid admission to moving picture theatres or other theatres and to any place of amusement, show, carnival, fair, baseball game or other sport, and the council shall have power to provide for the collection of such tax through the management or other person in charge of any place subject to the terms of this section. The council may exempt from such tax any show, game or performance conducted for religious, educational or charitable purposes.

§ 7. The council may elect a legally qualified person to be known as the police justice of the city of South Boston, who shall have the same powers as the mayor to issue process, hear and determine prosecutions and controversies which may arise under the laws and ordinances of the city, impose fines and inflict punishment when and wherever they are authorized by the said laws and ordinances; and to issue executions for the collection of fines. Appeals may be taken from the decision of the police justice to the Circuit Court of the County of Halifax.

Such police justice shall qualify in the same manner as the mayor and shall hold office for a term ending December thirty-one, nineteen hundred sixty. The term of office shall thereafter be two years beginning January one, nineteen hundred sixty-one. Such police justice shall be paid such salary by the city as the council may prescribe.

The council may also elect a legally qualified person to be known as substitute police justice of the city of South Boston, who shall have authority to exercise all the powers of the police justice in the event of the absence or disqualification of the police justice. Such substitute police justice shall serve during the pleasure of the council and shall be paid such compensation as shall be fixed by the council.

The police justice shall have original jurisdiction in criminal matters involving any violation of any ordinance of the city of South Boston, which violation occurs within the corporate limits of the said city.

Should a warrant be issued charging a violation of a city ordinance and it should develop prior to trial or at any time during trial prior to the imposition of sentence that the alleged offense involves a felony, then, in lieu of final disposition by the police justice, the procedure shall conform to the provisions of Chapter 7 of Title 16.1 of the Code of Virginia. The police justice shall have power to issue subpoenas for witnesses, take recognizance and bail bonds, and in the performance of such duties to administer oaths.

The council of the city shall have power to elect a legally qualified person to be known and designated as the clerk of the Police Court of the city of South Boston and to fix the compensation of such officer. Such clerk shall hold office during the pleasure of the council. The clerk of the police court so elected shall qualify in the same manner as the mayor, and shall enter into bond in such penalty as the council shall prescribe, conditioned for the faithful performance of his duties. Such clerk shall have the same power as the police justice to issue warrants, to issue subpoenas for witnesses and to take recognizances and bail bonds, and in the performance of such duties to administer oaths.

The council may also elect two qualified persons to be known as warrant officers of the city of South Boston, who shall hold office during the pleasure of the council. Such warrant officers shall qualify in the same

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manner as the mayor and shall enter into bond in such penalty as the council shall prescribe, conditioned for the faithful performance of their duties. Such warrant officers shall have the same powers as the clerk of the police court to issue warrants and subpoenas for witnesses, to take recognizances and bail and in the performance of such duties to administer oaths.

§ 8. All officers and employees heretofore elected or appointed shall remain in office and continue in their employment and be vested with the powers and duties heretofore imposed upon them by the council or by operation by law or hereafter imposed upon them under the provisions of this act until their successors are duly elected or appointed as provided by law or until action is taken by the city as set forth in § 15-77.9 of Chapter 5.1 of Title 15 of the Code of Virginia as in force on January one, nineteen hundred fifty-nine.

§ 9. All ordinances and resolutions heretofore made and adopted by the city, not in conflict with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the city.

2. Chapter 130 of the Acts of Assembly of 1883-1884, approved February nineteen, eighteen hundred eighty-four, and all acts amendatory thereof are hereby repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 220

An Act to amend and reenact §§ 77 and 78 of Chapter 580 of the Acts of Assembly of 1954, approved April 6, 1954, which chapter provided a new charter for the town of Elkton, the amended sections relating, respectively, to the trial justice and to warrant justices.

[H 294]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 77 and 78 of Chapter 580 of the Acts of Assembly of 1954, approved April 6, 1954, be amended and reenacted as follows:

§ 77. The council may appoint pursuant to the provisions of § 16-129 of the Code of Virginia, a * *police justice* for the town who shall serve for a term of two years or until his successor is appointed by the council and qualifies. The mayor, or any * qualified voter of the town of Elkton, *the city of Harrisonburg, Rockingham County, or any town in Rockingham County, whom the* council deems qualified, may be appointed by it as such * *police justice.* If the mayor is appointed as * *police justice* he shall discharge such duties as the * *police justice* of the town under this charter and not as mayor of the town, in addition to the execution of the duties of the mayor imposed upon him by this charter; and his powers, duties, authority and jurisdiction as such * *police justice* shall be as hereinafter provided for the * *police justice;* he may receive the salary of mayor provided by the council for the discharge of his duties as mayor as well as such salary of * *police justice* as may be provided by the council, if any.

The * *police justice* is hereby vested with the right and authority to issue warrants, summon witnesses and try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other debts due and owing to the town.

Fees and costs shall be assessed by the * *police justice* and shall be collected as provided by the laws of the State of Virginia relating to * *police justices* as the same shall now be or as hereafter amended. All fees and costs collected by the said * *police justice* and all fines collected for

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violations of all ordinances of the town shall be paid into the town treasury for the use and benefit of the town.

Removals may be taken, and appeals from the decisions of the * *police justice* may be taken, to the Circuit Court of Rockingham County in the same manner, upon the same terms and shall be tried in the same way as removals, or as appeals from the decision of * *police justices*, as the case may be, are provided to be taken and tried by the laws of the State of Virginia, relating to * *police justices* as the same shall now be or as hereafter amended.

The council may also appoint such clerk or clerks as may in their discretion be necessary, provide for just compensation therefor and provide necessary records.

The council of said town shall provide a salary to compensate such * *police justice* in such amount and payable at such times as the council shall deem proper, and the council may provide also for a vacation period, either with or without pay, and for such duration as in the judgment of the council may be proper.

Like provisions may be made for a substitute justice, and when such substitute acts, he shall receive the compensation which would have been paid him had the principal acted, and which compensation shall be deducted from salary or allowance made to the principal. *

§ 78. The council may elect one or more special justices of the peace to be known as warrant justices, who shall hold office during the pleasure of the council and shall have such powers as are hereby conferred, and no other. Such warrant justice or justices shall, at the time of his or their election, and while holding such office, reside in the town, and no person shall be ineligible to such office by reason of the fact that at the time of his election or while holding such office he is an officer or employee of the State or town unless to be justice of the peace while holding such office or employment is contrary to the general laws and Constitution of the State.

Every warrant justice, before entering upon the performance of his duties, shall take the official oaths required by State law before the clerk of the circuit court of the county.

Every warrant and attachment within the jurisdiction conferred upon the * *police justice* by this charter may be issued by one of such warrant justices, but every warrant so issued shall be made returnable before the * *police justice* and shall, unless otherwise provided by law, be triable only by him, or by the substitute * *police justice*, and every attachment so issued shall be made returnable before the * *police justice* or the circuit court of the county, as the law directs. Any such warrant justice may also issue subpoenas for witnesses in cases to be tried by the * *police justice*.

In the absence of the * *police justice* of the town, each warrant justice shall have the same power to admit to bail persons as the * *police justice* would have under general law of the State if present, shall collect the fees therefor and shall report and pay same to the officer authorized to collect fines imposed by the * *police justice*.

Such warrant justice or justices shall receive such salary or other compensation as the council may from time to time prescribe by ordinance, but no officer or employee in any department of the town government who may be elected warrant justice shall receive any salary or other compensation as such justice while he holds such other office or continues in such other employment, unless and until the council specifically provides for such salary or other compensation by ordinance.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 221

An Act to amend and reenact §§ 2, 3, 4, 6, 7, 9 and 16 of Chapter 456 of the Acts of Assembly of 1956, approved March 30, 1956, being the charter of the town of Vienna in Fairfax County, relating, respectively, to the territorial limits, administration and government of the town, provisions for certain town officers, duties, functions and powers of the mayor, powers and duties of the council, and assessments for taxation and to repeal § 14, relating to conditions under which town contracts may be let.

[H 312]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 2, 3, 4, 6, 7, 9 and 16 of Chapter 456 of the Acts of Assembly of 1956, approved March 30, 1956, be amended and reenacted as follows:

§ 2. The territory embraced within the * town of Vienna is * *that* territory in the county of Fairfax, * *Virginia, as established in Chapter 456 of the Acts of Assembly of 1956 as modified by the final order of the Circuit Court of Fairfax County, Virginia, recorded in the Common Law Order Book No. 39, page 99.*

§ 3. The administration and government of the town is vested in a council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) * *On the second Tuesday in June, 1960, there shall be held a town election at which there shall be elected by the qualified electors of the town at large, six councilmen and a mayor. The three councilman candidates receiving the highest number of votes shall serve for terms of three years and the three candidates receiving the next highest number of votes shall serve for terms of two years.*

In the town election to be held on the second Tuesday in June, nineteen hundred sixty-two, and in every year thereafter, three councilmen shall be elected for terms of two years each.

The term of office for the mayor shall continue to be for a period of two years. Terms of office for both the mayor and all councilmen shall begin on the first day of September next following his or their election.

The council shall be a continuing body and no measures pending before such body, or *any* contract or obligation incurred, shall abate or be discontinued by reason of the expiration of *the* term of office or removal of any of its members.

(b) Vacancies in the council shall be filled within * *forty-five* days, for the unexpired term, by a majority vote of the remaining members; subject, however, to the mayor's right of veto, and the right of a two-thirds majority of the remaining members of said council to override said veto by a polled vote as provided by the Constitution of the Commonwealth of Virginia; *provided, however, that where a vacancy shall occur more than eighteen months prior to expiration of the term, such vacancy shall be filled by a majority vote of the remaining members only until a successor shall have been chosen by the qualified electors of the town and shall have qualified as provided by law. In the town election to be held on the second Tuesday in June next following the occurrence of such vacancy there shall be elected by the qualified electors of the town a member of the council to fill each such vacancy for the unexpired term. The term of office of any councilman so elected shall begin on the first day of July next following his election.*

§ 4. The council shall appoint a clerk, a treasurer, a town sergeant and such other officers and employees *including policemen* as the council may deem necessary or proper, all of whom shall hold office at and during

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the pleasure of the council, *subject to the power of the mayor to dismiss or suspend them as provided in § 6 hereof, and* said officers and employees shall qualify as prescribed by law, and shall execute such bonds as may be prescribed by resolution of the council; and the council shall have power to fill any vacancy in any of such offices. Upon the failure of any council, after being qualified to appoint such officers and employees all of such officers and employees then in office shall so continue in office until removed by that or a succeeding council. The same person may be appointed to fill two offices at the discretion of the council.

§ 6. The mayor shall be the chief executive officer of the town and it shall be his duty to see that the laws and ordinances thereof are fully executed, and he shall preside over the meetings of the council, appoint all necessary committees or departments for the proper dispatch of the business of the town. However, the mayor, as a member of the council, shall vote only in case of a tie; in addition to his constitutional power of veto. The mayor shall see that the duties of the various officers *and all employees including policemen,* whether elected or appointed, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their office and may examine them on oath, and dismiss or suspend them from office, subject to the right of the council to reinstate such officers * *and employees, including policemen, by a majority of the council present and voting.*

In case of the absence or inability of the mayor to act, the president pro tempore of the council, to be chosen by a majority of the council present at a regular meeting, shall possess the same powers, and discharge the same duties during such absence or inability.

In case a vacancy should occur in the office of mayor, same shall be filled by any qualified voter for the unexpired term by a majority vote of the council.

The council of said town is hereby authorized to fix the salary of the mayor, members of the council, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed by the laws and Constitution of the State of Virginia; *provided that the salary of the mayor shall not be fixed at an amount greater than one thousand dollars a year and the salary of each member of council shall not be fixed at an amount greater than six hundred dollars a year.*

§ 7. * *The town court shall be known as the Municipal Court of the town of Vienna, and shall have original jurisdiction in the trial of all cases involving the violation of town ordinances, and in the collection of taxes or assessments, or other forms of debt owing to the town.*

Jurisdiction of the said Court in civil matters shall be as provided in Section 16.1-77 of the Code of Virginia, and in criminal matters as provided in Section 16.1-124 of the Code of Virginia.

There shall also be appointed not more than three justices of the peace for the town of Vienna, to serve at the pleasure of said council, who shall be conservators of the peace, and shall have the power and authority to set and accept bonds, issue warrants and summon witnesses involving violations of town ordinances, but all such warrants and process shall be returnable before the Municipal Court. The compensation of such justices of the peace shall be the fees which are fixed by law for such justices.

§ 9. The council shall have the power to control and manage the fiscal and municipal affairs of the town and all property, real and personal, belonging to said town, and to make such ordinances, orders, and resolutions relating to the same as it may deem necessary. And it shall have the further power to purchase, hold, sell and convey all real and personal property, within or without, the corporate limits, necessary for its use and purposes.

(a) The council shall have power and authority to acquire, or other-

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wise obtain control of or establish, maintain, operate, extend and enlarge waterworks, sewage disposal plants, gasworks, electric plants, and other public utilities within or without the limits of the town; and to acquire within or without the limits of the town by purchase, condemnation, *but insofar as such power of condemnation is exercised as to lands of a public service corporation, § 25-233 shall be applicable,* or otherwise, whatever land may be necessary for acquiring, locating, establishing, maintaining, operating, extending and enlarging said waterworks, sewage disposal plants, electric plants and other utilities, and the rights of way, rails, pipes, poles, conduits and wires connected therewith or any of the fixtures or appurtenances thereof; promulgate and enforce reasonable rates, rules and regulations for use of same, any or all of which rates, rules and regulations the council may alter at any time without notice.

(b) In the event the fees, rents, or charges, charged for the use and services of the public water system or sewage disposal system, by, or in connection with, any real estate shall not be paid when due, interest shall at the time begin to accrue thereon at the rate of one percent per month. Such fees, rents, and charges, and the interest due thereon may be recovered by the town of Vienna by action at law, or suit in equity, and shall constitute a lien against the property, ranking on a parity with liens for unpaid town or county taxes.

(c) The council shall have the power and authority to require the owners or occupants of the real estate within the corporate limits of the town which may front or abut on the line of any sewer or water pipe line or conduit to make connections therewith, and to use such sewer pipes and conduits and water furnished by the town under such ordinances and regulations as the council may deem necessary to secure the proper service thereof and to improve and secure good sanitary conditions; and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties, to be collected as other fines and penalties under the provisions of this act.

(d) The council shall have the authority if it so chooses, to delegate in writing to a duly appointed town manager such of its powers and duties as are not forbidden by State law to be delegated, and may withdraw any such delegation of power or duties at its discretion; the mayor shall have like authority in relation to his powers and duties.

§ 16. The assessment of real and personal property in the town for the purpose of municipal taxation shall be the same as the assessment for the purpose of county taxation, but where the treasurer for the town knows of property that has been omitted by the commissioner of revenue of the county from his books, the treasurer of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases assess such omitted property, real or personal, for town taxation.

Where the treasurer for the town knows of property that has been erroneously assessed in the town of Vienna by the Commissioner of Revenue of the County of Fairfax from his books, the treasurer of the town may by the same proceedings as are provided for county commissioners of revenue in similar cases release such erroneous assessments from the town of Vienna tax rolls.

2. That § 14 of Chapter 456 of the Acts of Assembly of 1956, approved March 30, 1956, is repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 222

An Act to amend and reenact §§ 22-133 and 22-141, as amended, of the

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Code of Virginia, relating to funds for public school or educational purposes and to funds for special town school districts.

[H 333]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 22-133 and 22-141, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 22-133. All funds made available to the school board for public school and/or educational purposes in the counties, both State and local, shall be handled by the county treasurer and paid out in the same manner as other county funds are paid out by him under the provisions of § 58-951, *except that the town treasurer shall handle such funds as the town may be entitled to whenever there is a town school district operated by a town school board.*

§ 22-141. (a) Funds to be paid by county treasurer to town treasurer.—For the benefit of each town school district operated by a school board of three members, the county school board shall require the county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be used for public school and/or educational purposes within such special town school district:

(1) From the amount derived from a county school levy and/or appropriations for public school and/or educational purposes, a sum equal to the pro rata amount from such levy or appropriations derived from such town.

(2) The amount due from State school funds received by the county for general school purposes, to be determined as between the county and the town on the same basis of distribution used by the State in making the distribution of such school funds to the counties and cities; *provided, however, upon request of the town school board and town council, the State Board of Education may send such funds direct to the town treasurer.*

(3) The amounts due from the county to such special town school district from special State school funds to be determined in accordance with the purposes for which the allocations are made; *provided, however, upon request of the town school board and town council, the State Board of Education may send such funds direct to the town treasurer.*

(4) From federal funds allocated to and received by the county on the basis of federally connected pupils for operations and/or capital outlay purposes, to be apportioned between the county and the town on the same basis of distribution as used in making the allotment of such federal funds to the county and in the ratio that such federally connected pupils residing in the town bear to the total of such federally connected pupils residing in the county including the town and which were included in the county's application for such federal funds.

(b) District located in adjoining counties.—Where a special town school district is located partly in each of two adjoining counties and operated by a town school board created or constituted by the charter of such town, for the benefit of such town school district, each county school board shall require each respective county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be used for public school and/or educational purposes within such special town school district:

(1) From the amount derived from a county school levy and/or appropriations in each respective county for public school and/or educational purposes, a sum equal to the pro rata amount from such levy or appropriations derived from such town.

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(2) The amount due from State school funds received by each county for general school purposes, to be determined as between each county and the town on the same basis of distribution used by the State in making the distribution of such school funds to the counties and cities.

(3) The amounts due from each county to such special town school district from special State school funds to be determined in accordance with the purposes for which the allocations are made.

(c) State funds from special sources.—None of the provisions of this section shall require the county treasurer to pay over to the town treasurer of a special town school district any funds received from the State from special sources, including funds distributed to the localities from the profit realized from the operation of the State alcoholic beverage control system, when said town has received direct appropriations or allocations from the State from the same special sources.

(d) Sections not amended or repealed.—None of the provisions of this section or §§ 22-42, 22-43, 22-60, 22-67 and 22-99 shall be construed to amend or repeal the provisions of §§ 15-292 and 15-324.

CHAPTER 223

An Act to amend and reenact § 46.1-343, as amended, of the Code of Virginia, relating to permits for excessive size and weight for certain vehicles.

[H 344]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-343 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-343. (a) The State Highway Commission and local authorities of cities and towns in their respective jurisdictions may, in their discretion, upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle upon the highway of a size or weight exceeding the maximum specified in this title. Every such permit may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting such permit.

(b) Provided, however, the State Highway Commission and local authorities of cities and towns, in their respective jurisdictions, upon application in writing made by the owner or operator of three axle vehicles used exclusively for the mixing of concrete in transit or other three axle trucks hauling road construction materials and having a gross weight not exceeding forty-three thousand and nine hundred pounds, a single axle weight not exceeding eighteen thousand pounds, and a tandem axle weight not exceeding thirty-two thousand pounds, shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of such vehicles upon the highways. No such permit shall designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways.

(c) Provided further, the State Highway Commission and local authorities of cities and towns in their respective jurisdictions, upon application in writing, made by the owner or operator of two or three axle vehicles used exclusively for the hauling of coal from a mine or other place of production to a preparation plant, loading dock or railroad and having a gross weight not exceeding forty-three thousand nine hundred pounds, a single axle weight not exceeding twenty thousand pounds until June thirty,

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nineteen hundred sixty-*two* and thereafter eighteen thousand pounds, and a tandem axle weight not exceeding thirty-six thousand pounds, until June thirty, nineteen hundred sixty-*two* and thereafter thirty-two thousand pounds, shall issue to such owner or operator, without cost, a permit in writing authorizing the operation of such vehicles upon the highways of this State; provided, however, that no such permit shall be valid for the operation of any such vehicle for a distance of more than twenty-five miles from such preparation plant, loading dock or railroad. However, no permit issued under this section providing for a single axle weight in excess of eighteen thousand pounds or a tandem axle weight in excess of thirty-two thousand pounds shall be issued to include travel on the Federal Interstate System of Highways.

(d) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any officer and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit.

CHAPTER 224

An Act to amend the Code of Virginia by adding a new section numbered § 6-348.2, so as to confer on certain licensed broker-dealers the privilege of charging on their customers' debit balances that are payable on demand interest at a rate of not more than one and one-quarter per centum per annum in excess of interest charges made such broker-dealers by banks.

[H 358]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a new section numbered 6-348.2 as follows:

§ 6-348.2. A broker-dealer licensed by the State Corporation Commission and registered with the Securities and Exchange Commission who extends credit to a customer on pledged securities as permitted under the provisions of the Securities and Exchange Act of 1934, as amended, may charge the customer on his debit balances that are payable on demand such rate of interest as may be mutually agreed on, but not to exceed a monthly charge at a rate of one and one-quarter per centum per annum of the debit balances above the interest rate charged broker-dealers by banks doing business in this State on loans collateralized by securities.

CHAPTER 225

An Act to amend and reenact § 15-16 of the Code of Virginia, relating to donations by local governments to charitable institutions or agencies.

[H 409]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-16 of the Code of Virginia be amended and reenacted as follows:

§ 15-16. *Counties*, cities and towns of this Commonwealth are authorized to make appropriations of public funds, of personal property

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or of any real estate to any charitable institution or association, located within their respective limits; provided, such institution or association is not controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association or a nondenominational Women's Christian Association. Nothing in this section shall be construed to prohibit any *county or* city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

2. An emergency exists and this act is in force from its passage.

CHAPTER 226

An Act to amend the Code of Virginia by adding a section numbered 18-301.1, defining the word "consideration" with respect to § 18-301 of the Code of Virginia.

[H 425]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 18-301.1 as follows:

§ 18-301.1. In any prosecution under the preceding section, no consideration shall be deemed to have passed or been given because of any person's attendance upon the premises of another; his execution, mailing or delivery of an entry blank; his answering of questions, verbally or in writing; his witnessing of a demonstration or other proceeding; or any one or more thereof, where no charge is made to, paid by, or any purchase required of him in connection therewith.

CHAPTER 227

An Act to create the Rudee Inlet Authority; to provide for the composition, government, powers, duties and liabilities thereof and other matters pertaining thereto; and to provide for the issuance of certain bonds thereby, and the terms and conditions of such issuance.

[H 460]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby created a political subdivision of the Commonwealth, with such public and corporate powers as are granted in this act, to be known as the Rudee Inlet Authority hereinafter called the Authority.

§ 2. The Authority may exercise the powers conferred on it by this act within the city of Virginia Beach and the county of Princess Anne, and the area bounded on the east by the Atlantic Ocean; on the north by United States Highway 58 (Business Route); on the west by State Highway 615; and on the south by Old Dam Neck Road in the county of Princess Anne.

In the exercise of the power of eminent domain conferred on it by this act, the Authority shall conform to the procedure set forth in Title 25 of the Code of Virginia.

The Authority shall not commence any work to open Rudee Inlet to navigation or to improve the navigability thereof until thirty days from

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the date it shall have notified the Virginia Beach Erosion Committee, the United States Army Engineers and the Federal Erosion Board in writing of its intention.

§ 3. The Authority shall be governed by a commission composed of nine commissioners, four of whom shall be appointed by the governing body of Princess Anne County, four of whom shall be appointed by the council of the city of Virginia Beach and one of whom shall be elected by the other eight members. All powers and duties of the Authority shall be exercised and performed by the commission.

§ 4. The commissioners shall be appointed or elected for terms of four years. Appointment to fill vacancies shall be for the unexpired terms. Each commissioner shall before entering on his duties take and subscribe the oath prescribed by § 49-1 of the Code of Virginia.

§ 5. The commissioners shall elect from their membership a chairman and vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer or secretary-treasurer. The commissioners shall receive no salary but shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties. The commission shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of all its financial transactions and shall arrange to have the same audited annually. Copies of each such audit shall be furnished to the governing bodies of Princess Anne County and Virginia Beach and shall be open to public inspection.

§ 6. The Authority shall have the following powers:

(a) To contract and be contracted with; to sue and to be sued; to make and from time to time amend and repeal by-laws, rules and regulations not inconsistent with general law to carry out its purposes and to adopt and use a corporate seal, and to alter the same at pleasure;

(b) To acquire, hold and dispose of personal property necessary for its purposes;

(c) To acquire by purchase, lease, or condemnation, real property, or rights, easements or estates therein necessary for its purposes; and to sell, lease and dispose of the same, or any portion thereof or interest therein;

(d) To acquire, lease, construct, improve, extend, maintain and operate, landings, wharves, docks, piers, jetties, yacht basins, marinas, facilities for yachts, boats and other watercraft and the approaches to and appurtenances thereof necessary or useful for the operation, navigation or maintenance of pleasure craft and fishing boats within the territorial limits of its jurisdiction.

(e) To prescribe and collect charges from pleasure craft and fishing boats coming into or using any landings, wharves, docks and piers, operated and maintained by the Authority and from persons using any of its other facilities, and to lease any and all of such facilities or any concessions properly incident thereto for the maintenance and operation of any or all thereof on such terms and conditions as it may deem proper;

(f) To construct for sale or lease, on such terms and conditions as it may deem proper, facilities and approaches to and appurtenances thereof;

(g) To fix and charge tolls, fees and any other charges for the use of, or for services rendered by, any of the facilities it is authorized hereunder to maintain and operate;

(h) To employ a director and such other agents and employees as may be necessary, to serve at the pleasure of the commission, and to fix their compensation and prescribe their duties.

(i) To accept grants from the federal government, the Commonwealth or either of the political subdivisions within the territory of the Authority;

(j) To do all other acts and things which may be reasonably necessary and convenient to carry out its purposes and powers.

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§ 7. The county of Princess Anne and the city of Virginia Beach are authorized and empowered to make appropriations and to provide funds for the operation of the Authority.

§ 8. The Authority shall have the power to issue bonds from time to time in its discretion, for any of its purposes, including the payment or retirement of bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable, both as to principal and interest: (a) from its revenues generally; (b) exclusively from the income and revenues of a particular "facility", which term shall mean a particular building or structure or particular buildings or structures including all equipment, appurtenances and accessories necessary or appropriate for the operation of such facility; or (c) exclusively from the income and revenues of certain designated facilities whether or not they are financed in whole or in part from the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government, Commonwealth of Virginia, or any political subdivision thereof, or a pledge of any income or revenues of the Authority, or a mortgage of any particular facility or facilities or other property of the Authority.

§ 9. Neither the commissioners of the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the Authority (and such bonds and obligations shall so state on their face) shall not be a debt of the Commonwealth or any political subdivision thereof and neither the Commonwealth nor any political subdivision thereof other than the Authority shall be liable thereon, nor, shall such bonds or obligations be payable out of any funds or properties other than those of the Authority. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction. Bonds of the Authority are declared to be issued for an essential public and governmental purpose.

§ 10. Bonds of the Authority shall be authorized by resolution adopted by the commission and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide. The bonds may be sold at public or private sale.

§ 11. In case any of the commissioners or officers of the Authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable within the meaning and for all the purposes of Chapter 10 of Title 6 of the Code of Virginia.

§ 12. In order to secure the payment of such bonds the Authority shall have power by provision or provisions included in any resolution authorizing such bonds or in any indenture made to secure their payment:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right of title then exists or may thereafter come into

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existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any facility or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(e) To covenant as to the rents and fees to be charged in the operation of a facility or facilities, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenant securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by the Authority, to take possession and use, operate and manage any facility or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with said trustee; to provide for the powers and duties of a trustee or trustees or the holders of bonds or any proportion of them who may enforce any covenant or rights securing or relating to the bonds.

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of said Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

§ 13. An obligee of the Authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel the Authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the Authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agree-

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ments of the Authority and the fulfillment of all duties imposed upon the Authority by this chapter.

(b) By suit, action or proceedings in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the Authority.

§ 14. The Authority shall fix and revise from time to time the rents, fees and other charges to be paid by persons for the use of the various facilities of the Authority and for any other service furnished or provided by the Authority. Such rents, fees and charges shall be fixed so as to provide at least sufficient funds to pay the cost of maintaining, repairing and operating such facilities and the principal and interest of any bonds issued by the Authority or other debts contracted as the same shall become due and payable. A reserve may be accumulated and maintained out of the revenues of such Authority for extraordinary repairs and expenses and for such other purposes as may be provided in any resolution authorizing a bond issue or in any trust indenture securing such bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the trust indenture authorizing or securing any of the bonds or other obligations issued hereunder, the Authority shall have exclusive control of the revenues derived from any facility or facilities operated and controlled by it and the right to use such revenues in the exercise of its powers and duties as set forth in this section. No individual, firm, association or corporation shall receive any profit or dividend from the revenues, earnings or other funds or assets of such Authority other than for debts contracted, for services rendered, for materials and supplies furnished and for other value actually received by the Authority.

§ 15. In addition to the other powers conferred by this act, the Authority shall have the power to borrow money and to accept contributions, grants and other financial assistance from the federal government and agencies or instrumentalities thereof for or in aid of the construction and equipment of its facilities or the retirement or refunding of its bonds. To these ends the Authority shall have the power to comply with such conditions and to execute such mortgages, trust indentures and agreements as may be necessary, convenient or desirable.

§ 16. Nothing contained in this act shall be deemed to authorize the Authority to occupy or use any land, streets, buildings, structures or other property of any kind, owned or used by any political subdivision within its jurisdiction, or any public improvement or facility maintained by such political subdivision for the use of its inhabitants, without first obtaining the consent of the governing body thereof.

§ 17. The powers granted and the duties imposed in this act shall be construed to be independent and severable. If any one or more sections, subsections, sentences, or parts of any of this act shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

CHAPTER 228

An Act to amend and reenact § 28-148 of the Code of Virginia, relating to area excepted from authorization to take oysters by dredging.

[H 471]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 28-148 of the Code of Virginia be amended and reenacted as follows:

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§ 28-148. The privilege stated in the preceding section shall not extend to Pocomoke Sound, Hampton Roads, Mobjack Bay, or Tangier Sound, or west of a line drawn from the lighthouse on Rappahannock Spit to the lighthouse on Wolf Trap Spit, or west of a line drawn from the lower end of Guinea Marshes to York Spit Lighthouse, and thence to Back River Lighthouse, or west of a line drawn through the Great Wicomico River Lighthouse, thence to the east end of the East Island of the Dameron Marshes, nor to any inlet, creek, or river, nor to the mouth thereof, except the Potomac river and the following rocks in Tangier Sound, to-wit: Johnson's Rock, Thoroughfare Rock, Fox's Island Rock, *John's Rock, Klondike Rock,* and the California Rock; provided that for the purpose of this section the southern boundary of Pocomoke Sound shall be a straight line running from Rouge's Island Beach Buoy Number Two to the southeast buoy on Watt's Island Bar.

CHAPTER 229

An Act to designate a portion of United States Highway No. 340 as "The Stonewall Jackson Memorial Highway" and to provide for marking same.

[H 525]

Approved March 9, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. That portion of United States Highway No. 340 lying between its intersection with United States Highway No. 11 at Greenville, Virginia and the West Virginia boundary is hereby designated as "The Stonewall Jackson Memorial Highway". Appropriate markers shall be placed by the Department of Highways to indicate the designation of this highway.

CHAPTER 230

An Act to amend Chapter 384 as amended of the Acts of Assembly of 1946, approved March 28, 1946, which provided a new charter and special form of government for the city of Charlottesville and matters in connection therewith, by adding a section numbered 14-a, to confer upon the city council powers in relation to the operations of certain authorities within the city; to require any such authority to obtain approval from the city council for entry into certain contracts, the construction, reconstruction or extension of certain facilities, and the establishment of any new housing within the confines of the city; to provide that the approval of the voters may be required in any such case and to provide for the holding of referendums to obtain the approval of the voters in such cases; and to repeal § 36-19.3 of the Code of Virginia, relating to limitations upon housing authorities in certain cities.

[S 85]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That Chapter 384 as amended of the Acts of Assembly of 1946, ap-

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proved March 28, 1946, be amended by adding a section numbered 14-a as follows:

§ 14-a. Notwithstanding the provisions of § 36-19 of the Code of Virginia or any other provision of law, no authority heretofore or hereafter created under the terms of Title 36 of the Code, shall, without the approval of the council or voters obtained under this section, transact business and exercise powers within the city or make any contract for the construction of any housing not authorized or approved by the governing body of the city on January one, nineteen hundred fifty-nine, or acquire land or purchase material for the construction or installation of any sewerage, streets, sidewalks, lights, power, water or any other facilities for any housing not authorized or approved on such date. The provisions of this section shall not affect or impair the provisions of § 36-19.1 of the Code.

The council shall advertise for at least two weeks in a newspaper published in the city that a housing authority has applied for the approval of the council under this section and shall give notice therein of the time and place for a hearing on such request which hearing shall be at least thirty days from the date of the first advertisement. The council may approve such request following such hearing unless a petition signed by at least one hundred qualified voters seeking a referendum on the granting of such request is filed with it prior to such hearing. If such petition is filed with the council, the council shall petition the judge of the corporation court to call an election under § 24-141 of the Code of Virginia. The judge shall set the election for a time at least thirty days after the date of the hearing and the provisions of § 24-141 of such Code shall apply. If the voters voting approve the request of the authority the council may grant the same but if the voters disapprove such request it shall not be granted.

2. § 36-19.3 of the Code of Virginia is repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 231

An Act to amend and reenact § 58-687, as amended, of the Code of Virginia, relative to definition of the term "used in this State" in the Motor Fuel Tax Act.

[S 155]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-687, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-687. The following words, terms and phrases used in this chapter are for the purpose hereof defined as follows:

(1) "Motor vehicles" means all automotive or self-propelled vehicles, engines or machines, which are operated or propelled by internal combustion of gasoline, distillate or other volatile or inflammable liquid fuels.

(2) "Motor fuel" shall mean:

All products commonly or commercially known or sold as gasoline, including casinghead and absorption or natural gasoline, regardless of their classifications or uses: and

Any liquid prepared, advertised, offered for sale or sold for use as or commonly and commercially used as a fuel in internal combustion

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engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene and similar petroleum products (ASTM Designation D-86) show not less than 10% distilled (recovered) below 347° F. (175° C.) and not less than 95% distilled (recovered) below 464° F. (240° C.); provided, that the term "motor fuel" shall not include

(a) Industrial solvents or naphthas which distill by ASTM method D-86, not more than 90% at 176° F. (80° C.) and which have a distillation range of 150° F. or less, or

(b) Liquefied gases which would not exist as liquids at a temperature of 60° F. and a pressure of 14.7 pounds per square inch absolute.

(3) "Aviation fuel" means a motor fuel designed for use in the operation of aircraft, and sold or used for that purpose.

(4) The term "dealer" means any person who imports, or causes to be imported, into the State, motor fuel for use, distribution or sale and delivery in and after the same reach the State; also any person who produces, refines, manufactures or compounds such fuel in the State for use, distribution or sale and delivery in this State; and also any person who receives motor fuel by tank car, barge, pipe line delivery or any common or contract carrier from a point within this State. Any person importing or causing to be imported, into this State, for his own use, such motor fuel in any container other than the usual tank or receptacle connected with the engine of the motor vehicle in the operation of which the motor fuel is to be consumed and any person producing, refining, manufacturing or compounding such motor fuel in this State for his own use shall also be considered a dealer within the meaning of this chapter; provided that this definition shall not include any railroad company purchasing motor fuel for use in its railroad business and not to be used for motor vehicles on the highways of this State. The Commissioner may designate dealers as limited dealers, jobbers or limited jobbers, but the designation by the Commissioner of a dealer as a limited dealer, jobber or limited jobber shall not in itself deprive the limited dealer or jobber of the right to refunds under the provisions of § 58-717 to which they would otherwise be entitled.

(5) The term "limited dealer" means any person who maintains and operates a bulk storage within this State and who receives motor fuels from a duly licensed dealer from a point within this State and same is delivered to another point in this State by tank car, barge, pipe line, common or contract carrier or self-owned equipment. Provided, however, where the term "dealer" is used in this chapter the same shall apply to the term "limited dealer" except in those instances where the context clearly indicates a different meaning.

(6) The term "jobber" means any person who receives motor fuel by tank car, barge, pipe line, common or contract carrier or in self-owned equipment from a point within this State and who has not qualified to pay the tax direct to the State, and who complies with all of the applicable provisions of this chapter.

(7) The term "limited jobber" means any person licensed under this chapter who engages in the business of distributing or reselling motor fuel on which the tax imposed under this chapter has been paid and who incurs no liability for such tax and does not elect to file the surety bond required of jobbers.

(8) "Commissioner" means the Commissioner of the Division of Motor Vehicles.

(9) "Person" means any person or persons, partnership, firm, association or corporation.

(10) "Peddler" means any person who neither owns nor operates

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stationary storage facilities and who transports motor fuel from place to place in any vehicle having thereon any tank or other container of more than one hundred gallons capacity, and sells or offers to sell motor fuel and delivers the same from such vehicle.

(11) *"Used in this State" shall mean and include, in addition to its original meaning, the receipt of fuel by any person into a service tank of a motor vehicle.*

CHAPTER 232

An Act to amend and reenact § 40-35, as amended, of the Code of Virginia, relating to hours of work of women.

[H 27]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 40-35, as amended, of the Code of Virginia be amended and reenacted, as follows:

§ 40-35. Nothing in the preceding section shall be construed to apply to females whose full time is employed:

(1) As bookkeepers, stenographers, cashiers or office assistants, buyers, managers or assistant managers and office executives,

(2) In factories engaged exclusively in canning, processing or packing fruits or vegetables during the fruit and vegetable seasons,

(3) In the handling or redrying of leaf tobacco during the tobacco market seasons, or in shelling or cleaning peanuts or in shucking and packing oysters, or in the dressing or processing of poultry, provided such females are not employed more than ten hours in any one day of twenty-four hours for a period of not exceeding ninety days in any one year,

(4) In mercantile establishments located in towns of less than two thousand inhabitants or in country districts, or

(5) In any hospital, whenever an emergency situation exists, whereby strict compliance with this article might reasonably be calculated to jeopardize the lives or health of persons relying upon such hospital for care or treatment.

Notwithstanding the provisions of the preceding section, women employed in florist shops and greenhouses may be employed for as many as, but not in excess of, ten hours in one day, for the three days preceding and on February fourteenth, December twenty-fifth, Easter Sunday and Mothers' Day. *Also, women employed in the developing and printing of amateur photographic film may be employed for as many as, but not in excess of, ten hours in one day, for three working days following December twenty-fifth, January one, Easter Sunday, July fourth and Labor Day.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 233

An Act to amend the Code of Virginia by adding thereto sections numbered 18.1-227 through 18.1-236.3, relating to obscenity, defining the word "obscene", providing that certain obscene acts and conduct, and certain acts and conduct in connection therewith, shall be unlawful, making it a felony to commit a second or other subsequent offense thereof, providing for the issuance of certain orders and judgments

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as to obscene books; and to repeal §§ 18-113 and 18-113.1 of the Code of Virginia, relating to the same matters.

[H 40]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto sections numbered 18.1-227 through 18.1-236.3 as follows:

§ 18.1-227. The word "obscene" where it appears in this act shall mean that which considered as a whole has as its dominant theme or purpose an appeal to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters.

§ 18.1-228. Every person who knowingly:

(1) Prepares any obscene item for the purposes of sale or commercial distribution; or

(2) Prints, copies, manufactures, produces, or reproduces any obscene item for purposes of sale or commercial distribution; or

(3) Publishes, sells, rents, lends, transports in intrastate commerce, or commercially distributes or exhibits any obscene item, or offers to do any of these things; or

(4) Has in his possession with intent to sell, rent, lend, transport, or commercially distribute any obscene item, shall be guilty of a misdemeanor.

§ 18.1-229. Obscene items shall include:

(1) Any obscene book; or

(2) Any obscene leaflet, pamphlet, magazine, booklet, picture, painting, drawing, photograph, film, negative, slide, motion picture; or

(3) Any obscene figure, object, article, instrument, novelty device, or recording or transcription used or intended to be used in disseminating any obscene song, ballad, words, or sounds.

§ 18.1-230. Every person who knowingly:

(1) Produces, promotes, prepares, presents, manages, directs, carries on or participates in, any obscene exhibition or performance, including the exhibition or performance of any obscene motion picture, play, drama, show, entertainment, exposition, tableau or scene; or

(2) Owns, leases or manages any theatre, garden, building, structure, room or place and leases, lets, lends or permits such theatre, garden, building, structure, room or place to be used for the purpose of presenting such obscene exhibition or performance, shall be guilty of a misdemeanor.

§ 18.1-231. Every person who knowingly prepares, prints, publishes, or circulates, or causes to be prepared, printed, published or circulated, any notice or advertisement of any obscene item proscribed in § 18.1-229, or of any obscene performance or exhibition proscribed in § 18.1-230, stating or indicating where such obscene item, exhibition, or performance may be purchased, obtained, seen or heard, shall be guilty of a misdemeanor.

§ 18.1-232. Every person who knowingly exposes, places, displays, posts-up, exhibits, paints, prints, or marks, or causes to be exposed, placed, displayed, posted, exhibited, painted, printed or marked, in or on any building, structure, billboard, wall or fence, or on any street, or in or upon any public place, any placard, poster, banner, bill, writing, or picture which is obscene, or which advertises or promotes any obscene item proscribed in § 18.1-229 or any obscene exhibition or performance proscribed in § 18.1-230, or who knowingly permits the same to be displayed on property belonging to or controlled by him, shall be guilty of a misdemeanor.

§ 18.1-233. No person, firm, association or corporation shall, as a condition to any sale, allocation, consignment or delivery for resale of any

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paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any other article, book, or other publication which is obscene; nor shall any person, firm, association or corporation deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept such articles, books, or publications, or by reason of the return thereof. A violation of this section shall be a misdemeanor.

§ 18.1-234. Every person who intentionally, in any manner, hires, employs, uses or permits any minor under the age of eighteen years to do or assist in doing any act or thing constituting an offense under this article shall be guilty of a misdemeanor.

§ 18.1-235. Every person who knowingly:

(1) Photographs himself or any other person, for purposes of preparing an obscene film, photograph, negative, slide or motion picture for purposes of sale or commercial distribution; or

(2) Models, poses, acts, or otherwise assists in the preparation of any obscene film, photograph, negative, slide or motion picture for purposes of sale or commercial distribution, shall be guilty of a misdemeanor.

§ 18.1-236. Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a misdemeanor.

§ 18.1-236.1. Any person, firm, association or corporation convicted of a second or other subsequent offense under §§ 18.1-233, 18.1-234, or 18.1-235 shall be guilty of a felony and shall be punished by confinement in the penitentiary not less than one nor more than two years, or by confinement in jail not exceeding twelve months, or by a fine of not less than five hundred dollars nor more than two thousand dollars.

§ 18.1-236.2. Nothing contained in this article shall be construed to apply to:

(1) The exhibition of any motion picture approved for public exhibition by the Virginia Board of Motion Picture Censors;

(2) The purchase, distribution, exhibition, or loan of any book, magazine, or other printed or manuscript material by any library, school, or institution of higher learning, supported by public appropriation;

(3) The purchase, distribution, exhibition, or loan of any work of art by any museum of fine arts, school, or institution of higher learning, supported by public appropriation;

(4) The exhibition or performance of any play, drama, tableau, or motion picture by any theatre, museum of fine arts, school, or institution of higher learning, supported by public appropriation.

§ 18.1-236.3. (1) Whenever he has reasonable cause to believe that any person is engaged in the sale or commercial distribution of any obscene book, any citizen or the Attorney for the Commonwealth of any county or city, or City Attorney, in which the sale or commercial distribution of such book occurs may institute a proceeding in any court of record in said city or county for adjudication of the obscenity of the book.

(2) The proceeding shall be instituted by filing with the court a petition

(a) directed against the book by name or description,

(b) alleging the obscene nature of the book, and

(c) listing the names and addresses, if known, of the author, publisher, and all other persons interested in its sale or commercial distribution.

(3) Upon the filing of a petition pursuant to this article, the court in term or in vacation shall forthwith examine the book alleged to be obscene. If the court find no probable cause to believe the book obscene, the judge

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thereof shall dismiss the petition; but if the court find probable cause to believe the book obscene, the judge thereof shall issue an order to show cause why the book should not be adjudicated obscene.

(4) The order to show cause shall be:

(a) directed against the book by name or description;

(b) published once a week for two successive weeks in a newspaper of general circulation within the county or city in which the proceeding is filed;

(c) if their names and addresses are known, served by registered mail upon the author, publisher, and all other persons interested in the sale or commercial distribution of the book; and

(d) returnable twenty-one days after its service by registered mail or the commencement of its publication, whichever is later.

(5) When an order to show cause is issued pursuant to this article, and upon four days' notice to be given to the persons and in the manner prescribed by the court, the court may issue a temporary restraining order against the sale or distribution of the book alleged to be obscene.

(6) On or before the return date specified in the order to show cause, the author, publisher, and any person interested in the sale or commercial distribution of the book may appear and file an answer. The court may by order permit any other person to appear and file an answer amicus curiae.

(7) If no one appears and files an answer on or before the return date specified in the order to show cause, the court, upon being satisfied that the book is obscene, shall order the clerk of court to enter judgment that the book is obscene, but the court in its discretion may except from its judgment a restricted category of persons to whom the book is not obscene.

(8) If an appearance is entered and an answer filed, the court shall order the proceeding set on the calendar for a prompt hearing. The court shall conduct the hearing in accordance with the rules of civil procedure applicable to the trial of cases by the court without a jury. At the hearing, the court shall receive evidence, including the testimony of experts, if such evidence be offered, pertaining to:

(a) the artistic, literary, medical, scientific, cultural and educational values, if any, of the book considered as a whole;

(b) the degree of public acceptance of the book, or books of similar character, within the county or city in which the proceeding is brought;

(c) the intent of the author and publisher of the book;

(d) the reputation of the author and publisher;

(e) the advertising, promotion, and other circumstances relating to the sale of the book;

(f) the nature of classes of persons, including scholars, scientists, and physicians, for whom the book may not have prurient appeal, and who may be subject to exception pursuant to Section (7)

(9) In making a decision on the obscenity of the book, the court shall consider, among other things, the evidence offered pursuant to Section (8), if any, and shall make a written determination upon every such consideration relied upon in the proceeding in his findings of fact and conclusions of law or in a memorandum accompanying them.

(10) If he finds the book not obscene, the court shall order the clerk of court to enter judgment accordingly. If he find the book obscene, the court shall order the clerk of court to enter judgment that the book is obscene, but the court, in its discretion, may except from its judgment a restricted category of persons to whom the book is not obscene.

(11) While a temporary restraining order made pursuant to Section (5) is in effect, or after the entry of a judgment pursuant to Section (7), or after the entry of judgment pursuant to Section (10), any person who publishes, sells, rents, lends, transports in intrastate commerce, or

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commercially distributes or exhibits the book, or has the book in his possession with intent to publish, sell, rent, lend, transport in intrastate commerce, or commercially distribute or exhibit the book, is presumed to have knowledge that the book is obscene under §§ 18.1-227 through 18.1-233 of this article.

(12) Any party to the proceeding, including the petitioner, may appeal from the judgment of the court to the Supreme Court of Appeals of Virginia, as otherwise provided by law.

(13) It is expressly provided that the petition and proceeding authorized under this article, relating to books alleged to be obscene, shall be intended only to establish scienter in cases where the establishment of such scienter is thought to be useful or desirable by the petitioner; and the provisions of § 18.1-236.3 shall in no wise be construed to be a necessary prerequisite to the filing of criminal charges under this article.

2. That §§ 18-113 and 18-113.1 of the Code of Virginia are repealed.

CHAPTER 234

An Act to amend and reenact § 42-26, as amended, of the Code of Virginia, relating to grants to libraries.

[H 118]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 42-26, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 42-26. In order to encourage the maintenance and development of proper standards, including personnel standards, and the combination of library systems or libraries into larger and more economical units of service, grants of State aid may be made by the Board to any qualifying library system or qualifying library, established in any prior State fiscal year, which lacks the prescribed ratio of books per capita. Such grants shall be limited to matching at the ratio of thirty-five cents of State aid to one dollar of local funds expended or to be expended, exclusive of State funds, by county libraries serving less than thirty-five thousand population up to a maximum of five thousand dollars of State aid; and at the ratio thirty-five cents of State aid to one dollar of local funds expended or to be expended, exclusive of State funds, by a regional library or a county library serving over thirty-five thousand population up to a maximum of fifteen thousand dollars of State aid, *provided, however, that there shall be a maximum of twenty thousand dollars of State aid for regional libraries serving more than three political subdivisions.* There may be provided in excess of the maxima above established State aid for county and regional libraries or library systems up to an additional twenty cents for each one dollar of increase in local funds expended or to be expended during the current fiscal year over the fiscal year immediately preceding. Municipal libraries serving less than five thousand population may receive in State aid direct loans of books from the State Library or a minimum of two hundred dollars; municipal libraries serving over five thousand population may receive in State aid ten cents for each one dollar of local funds up to a maximum of one thousand dollars for libraries serving between ten thousand and thirty-five thousand population and a maximum of five thousand dollars for libraries serving over thirty-five thousand population. Any such previously established library system or library, contracting for library service as provided in chapters 1 (§ 42-1 et seq.) and 2 (§ 42-4 et seq.) of this title may qualify separately for State aid as provided herein.

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CHAPTER 235

An Act to amend and reenact § 42-28 of the Code of Virginia, relating to standards necessary for State aid to libraries, so as to provide for supervision of and aid to substandard libraries under certain circumstances.

[H 119]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 42-28 of the Code of Virginia be amended and reenacted as follows:

§ 42-28. The Board shall establish standards under which library systems and libraries shall be eligible for State aid and may require reports on the operation of all libraries receiving State aid.

As long as funds are available, grants shall be made to the various libraries, library systems or contracting libraries applying for State aid in the order in which they meet the standards established by the Board.

In the event that any library meets the standards of the State Library Board but is unable to conform to Chapter 11 of Title 54 of the Code relating to the employment of certified librarians, the Library Board may, under a contractual agreement with such library, provide professional supervision of its services and may grant State aid funds to it in reduced amounts under a uniform plan to be adopted by the State Library Board.

CHAPTER 236

An Act to amend and reenact § 14-181, as amended, of the Code of Virginia, relating to compensation of attorneys appointed to defend poor persons.

[H 171]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-181, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-181. When a judge of the circuit court of a county or city or a corporation or hustings court of a city appoints an attorney to defend a poor person charged with an offense that may be punishable by death, or by confinement in the penitentiary for a period of more than ten years, he may direct that not to exceed one hundred *fifty* dollars shall be paid out by the Commonwealth to the attorney so appointed to defend such person as compensation for such defense, and when such person is charged with the commission of a felony other than those mentioned the court may in its discretion direct the payment of a sum not to exceed * *fifty* dollars payable as aforesaid. When such direction is entered upon the order book of the court, the Commonwealth shall provide for the payment out of its treasury of the sum of money so specified. If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of the prosecution, and if collected, the same shall be paid to the Commonwealth. *An abstract of such costs shall be docketed in the judgment docket and execution lien book maintained by such court.*

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CHAPTER 237

An Act to amend and reenact § 2-128, as amended, of the Code of Virginia, relating to bookkeeping and accounting systems and prices of certain commodities.

[H 178]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2-128, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 2-128. The Auditor of Public Accounts, under the direction of the Auditing Committee of the General Assembly, shall devise a modern, effective and uniform system of bookkeeping and accounting, comprehending:

(1) An efficient system of checks and balances between the officers at the seat of government entrusted with the collection and receipt, custody and disbursement of the revenues of the State.

(2) A system of accounting, applicable to all State officers, departments, boards, commissions and agencies, which shall be suitable to their respective needs, considering their relation to each other and their relation to subordinate officers and officials.

As to the operation of farms, laundries, merchandising activities, dining halls and cafeterias for which charges are made, and any other type of activity which, if conducted privately, would be operated for profit, the system of accounting therefor shall be designed to reflect all charges properly allocable thereto to the end that the net profit or loss therefrom shall be reflected; provided that in the furtherance of this objective the joint Auditing Committee of the General Assembly on the recommendation of the Auditor of the Public Accounts, may authorize the Director of * *the Department of Accounts* to establish working capital fund accounts on his books and record therein the receipts and expenditures of these several functions; and provided further that the said director shall provide the agencies responsible for the operations of these functions with revolving funds with which to finance the operations.

Unit prices of foodstuff, or other commodities, produced on farms shall be fixed on a semiannual basis by the * *Director* of the Department of * Purchases *and Supply* and these unit prices so fixed shall be the basis for charging the value of foods produced by the farms and consumed by the operating agencies or sold to other agencies of the Commonwealth.

(3) A system of bookkeeping and accounting, for the use of all county, city and town officials and agencies handling the revenues of the State or of any political subdivision thereof; provided, that the Auditor of Public Accounts and the Governor may approve any existing system.

CHAPTER 238

An Act to amend and reenact §§ 18-138, 18-140, 18-142 and 18-143 of the Code of Virginia, relating to the Uniform Machine Gun Act.

[H 182]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 18-138, 18-140, 18-142 and 18-143 of the Code of Virginia be amended and reenacted as follows:

§ 18-138. Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

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(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun is of the kind described in § 18-142 and has not been registered as in such section required; or

(4) When empty or loaded * shells of thirty (thirty-one hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

§ 18-140. Nothing contained in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) Machine guns and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the National Guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; or

(4) The possession of a machine gun other than one adapted to use * cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber, for a purpose manifestly not aggressive or offensive.

§ 18-142. Every machine gun in this State adapted to use * cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the machine gun and apply for its confiscation as provided in § 18-143. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose. The Secretary of the Commonwealth shall deliver to the Superintendent of State Police such records of the Secretary's office as pertain to the registration of machine guns. It shall not be necessary for any person who, prior to the effective date of this chapter, has registered any machine gun with the Secretary of the Commonwealth to reregister the same with the Superintendent of State Police during the year for which the same has already been registered.

§ 18-143. Warrant to search any house or place and seize any ma-

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chine gun adapted to use * cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber possessed in violation of this article may issue in the same manner and under the same restrictions as provided by law for stolen property, and any court of record, upon application of the Commonwealth's attorney, a police officer or conservator of the peace, may order any machine gun, thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the State or a political subdivision thereof.

CHAPTER 239

An Act to amend the Code of Virginia by adding sections numbered 58-831.1 and 58-831.2, to provide for local taxation of certain tangible personal property.

[H 240]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding sections numbered 58-831.1 and 58-831.2 as follows:

§ 58-831.1. The aggregate of all tangible personal property owned by any person, firm, association, company not incorporated or corporation which is leased by such owner to any agency of the federal government shall be subject to local taxation.

§ 58-831.2. Any person, firm, association, company not incorporated or corporation engaged in business for profit who or which leases any tangible personal property to be used in such business from any agency of the federal government shall be liable to local taxation on the aggregate value thereof.

CHAPTER 240

An Act to amend and reenact §§ 2-174 and 2-193 of the Code of Virginia, relating to Comptroller's duties with reference to certain records and certain claims against the State; and to repeal §§ 2-164 and 2-171, relating to certain accounts of the Comptroller.

[H 258]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 2-174 and 2-193 of the Code of Virginia be amended and reenacted as follows:

§ 2-174. The Comptroller may, from time to time, arrange in boxes all such old books and papers belonging to his office, as in his opinion may be dispensed with for ordinary use or reference, and deposit such boxes, with appropriate labels, in some * *suitable storage space,* taking a list or schedule of the books and papers so put in boxes, and preserving such list in his office: *provided, that any such records which are more than two years old which have been audited by the Auditor of Public Accounts, and of which microfilm copies have been made and receipt given to the Auditor of Public Accounts that such microfilm copies have been duly made and stored in proper storage vault, may, in the discretion of the Comptroller, be destroyed, without regard to the provisions of § 2-6.*

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§ 2-193. Any person having any pecuniary claim against the Commonwealth upon any legal ground may present the same to the Comptroller *.

2. That §§ 2-164 and 2-171 of the Code of Virginia are repealed.

CHAPTER 241

An Act to amend and reenact § 13 of Chapter 244, as amended, of the Acts of Assembly of 1887, approved May 16, 1887, which act provided a charter for the town of Banister, now the town of Halifax, the section relating to the authority of the council in contracting loans and indebtedness.

[H 291]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 13 of Chapter 244, as amended, of the Acts of Assembly of 1887, approved May 16, 1887, be amended and reenacted as follows:

§ 13. The council may, in the name of and for the use of the said town, contract loans and issue bonds therefor, bearing interest at the rate of six per centum per annum, payable semiannually and redeemable in thirty-four years or less, * and the said bonds shall be exempt from taxation by the said town; provided the council shall not contract any loan or issue bonds therefor unless the same be authorized by a vote of the resident freeholders of said town and a majority of the vote be in favor thereof; * and in any election held under this section the order therefor shall state the object for which the money is to be used.

Provided the council may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the town, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum (6%) per annum, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values excluding, however, from such computation, the amount of any premium to be paid on the redemption of any bonds prior to maturity.

2. An emergency exists and this act is in force from its passage.

CHAPTER 242

An Act to amend the Code of Virginia by adding a section numbered 59-101.2, establishing a standard rule for measurement of trees and logs.

[H 307]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 59-101.2 as follows:

§ 59-101.2. The standard rule for determining the number of board feet in a tree or log in this State shall be the "International ¼ Inch Log Rule". The provisions of this section shall not apply to contracts or transactions entered into prior to the effective date of this act; nor shall this

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section prevent the buyer and the seller from agreeing that some other unit of measurement shall be used to determine the number of board feet in trees or logs covered by a contract between them.

CHAPTER 243

An Act to amend and reenact § 46.1-149 of the Code of Virginia, relating to fees of vehicles designed and used for transportation of passengers; weights used for computing fees; burden of proof.

[H 321]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-149 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-149. (a) The annual registration fees for motor vehicles, trailers and semitrailers, designed and used for the transportation of passengers upon the highways of this State are:

(1) $10.00 for a private motor vehicle other than a motorcycle with a normal seating capacity of not more than * *10* persons, including the driver, if such private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

(2) 30c per one hundred pounds of weight or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than * *10* adult persons including the driver if such private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without chauffeur. *Provided that in no case shall the fee be less than $10.00.*

(3) 30c per hundred pounds of weight or major fraction thereof for a * school bus, public or private*; provided that in no case shall the fee be less than $10.00.*

(4) $7.50 for trailer or semitrailer designed for use as living quarters for human beings.

(5) 30c per hundred pounds of weight or major fraction thereof for each motor vehicle, trailer or semitrailer used as a common carrier of passengers, operating either intrastate or interstate; but the preceding portion of this paragraph shall become effective at the beginning of the nineteen hundred fifty-nine license year beginning April one, nineteen hundred fifty-nine, and annually thereafter until otherwise provided by law; provided, however, that until the license year beginning April one, nineteen hundred fifty-nine, the annual registration fee for such vehicles shall be 70c per one hundred pounds of weight or major fraction thereof for each such vehicle. Starting with the nineteen hundred fifty-nine license year beginning April one, nineteen hundred fifty-nine, interstate common carriers of interstate passengers may elect to be licensed and pay the fees therefor as prescribed in subsection (5a) of this section upon submission to the Commissioner of a declaration of operations and equipment as he may prescribe.

(5a) 70c per hundred pounds of weight or major fraction thereof for each motor vehicle, trailer or semitrailer used as a common carrier of interstate passengers if election is made to be licensed under this subsection. Starting with the nineteen hundred fifty-nine license year beginning April one, nineteen hundred fifty-nine, in lieu of the foregoing fee of 70c per hundred pounds a motor carrier of passengers, operating two or

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more vehicles both within and without this State under authority of the Interstate Commerce Commission, may make application to the Commissioner for proration registration and upon the filing of such application, in such form as the Commissioner may prescribe, the Commissioner is authorized and directed to apportion the registration fees provided in this subparagraph so that the total registration fees to be paid for such vehicles of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total number of miles travelled by such vehicles of such carrier within the State bears to the total number of miles travelled by such vehicles within and without this State, such total mileage in each instance being the estimated total mileage to be travelled by such vehicles during the license year for which such fees are paid, subject to adjustment in accordance with an audit to be made by representatives of the Commissioner at the end of such license year, the expense of such audit to be borne by the carrier being audited; provided that each vehicle passing into or through this State shall be registered and licensed in this State and the annual registration fee to be paid for each such vehicle shall not be less than $25.00. For the purpose of determining such apportioned registration fees, only those motor vehicles, trailers, or semitrailers operated both within and without the State shall be subject to inclusion in determining the apportionment provided for herein.

(6) 80c per hundred pounds of weight or major fraction thereof for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without chauffeur for the transportation of passengers. This subsection does not apply to vehicles used as common carriers.

(7) 90c per hundred pounds of weight or major fraction thereof for a taxicab and other vehicles kept for rent or hire operated with a chauffeur for the transportation of passengers, which operates or should operate under permits issued by the Corporation Commission as required by law. This subsection does not apply to vehicles used as common carriers.

(8) $3.00 for a motorcycle.

(9) $2.00 for a sidecar.

(10) $10.00 for a bus used exclusively for transportation to and from Sunday school or church, for the purposes of divine worship.

(11) 70c per hundred pounds of weight or major fraction thereof for other passenger-carrying vehicles.

(b) The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

(c) The applicant for registration bears the burden of proof that the vehicle for which registration is sought is entitled by weight, design and use to be registered at the fee tendered by the applicant to the Commissioner or to his authorized agent.

CHAPTER 244

An Act to amend and reenact §§ 10-76 as amended, 10-76.1 and 10-77, 10-81 and 10-83, as amended, of the Code of Virginia, relating to the leaving of uncut trees for seeding purposes and to the effect of forestry planting, cutting and management plans.

[H 339]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 10-76 as amended, 10-76.1 and 10-77, 10-81 and 10-83, as amended, of the Code of Virginia, be amended and reenacted as follows:

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§ 10-76. Every landowner who cuts, or permits to be cut, or any person who is responsible for cutting, or actually cuts, or any person who procures another to cut, or any person who owns the timber at the time of cutting and knowingly and wilfully allows to be cut, for commercial purposes, timber from one acre or more of land on any acre on which loblolly pine (Pinus taeda), shortleaf pine (Pinus echinata), pond pine (Pinus serotina), or white pine (Pinus strobus), singly or together, occur and constitute ten per cent or more of the live trees on each acre or acres, shall, *unless there is in effect for such acre or acres a planting, cutting, or management plan as provided in § 10-83,* reserve and leave uncut and uninjured not less than four cone-bearing loblolly, shortleaf, pond or white pine trees fourteen inches or larger in diameter on each acre thus cut and upon each acre on which loblolly, shortleaf, pond or white pine, singly or together, occur as aforesaid; provided that where there are not present four cone-bearing loblolly, shortleaf, pond or white pine trees fourteen inches or larger in diameter on any particular acre, there shall be left uncut and uninjured in place of each cone-bearing loblolly, shortleaf, pond or white pine tree of this required diameter class not present two such cone-bearing pine trees of the largest diameter present less than fourteen inches in diameter. Such pine trees shall be left uncut for the purpose of reseeding the land and shall be healthy, windfirm, and of well developed crowns, evidencing seed bearing ability by the presence of cones in the crowns.

§ 10-76.1. Every landowner who cuts, or permits to be cut, or any person who is responsible for cutting, or actually cuts, or any person who procures another to cut, or any person who owns the timber at the time of cutting and knowingly and wilfully allows to be cut, for commercial purposes, timber from one acre or more of land on any acre or acres on which tupil poplar (Liriodendron tulipifera) occurs shall, *unless there is in effect for such acre or acres a planting, cutting, or management plan as provided in § 10-83,* reserve and leave uncut and uninjured not less than two tulip poplar trees fourteen inches or larger in diameter on each acre thus cut and on each acre or acres on which tulip poplar occurs as aforesaid; provided, that where there are not present two tulip poplar trees fourteen inches in diameter on any particular acre, there shall be left uncut and uninjured in place of each tulip poplar tree of this required diameter class not present two tulip poplar trees of the largest diameter present less than fourteen inches in diameter. Such tulip poplar trees shall be left uncut for the purpose of reseeding the land and shall be healthy, windfirm and of well developed crowns.

§ 10-77. Pine and tulip poplar trees, which are left uncut for purposes of reseeding, shall be the property of the landowner but shall not be cut until at least * *five* years have elapsed after the cutting of the timber on such lands.

§ 10-81. This article shall not apply to any acre of land on which there are present at the time of final cutting of the timber as many as * *four* hundred or more loblolly, shortleaf, pond or white pine or tulip poplar seedlings, singly or together, * *four* feet or more in height.

§ 10.83. The provisions of this article shall not apply to any acre or acres of forest land for which a planting, cutting or management plan has been prepared, designed to procure the reproduction of and maintain the growth of young thrifty trees of commercially valuable species, and which plan has been submitted to and approved by the State Forester previous to the cutting of any trees on the acre or acres concerned; *provided, that if such plan has been submitted to the State Forester by registered or certified mail and he has not approved the same, or disapproved it with a statement in writing of his reasons therefore, within a period of sixty days from the*

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date of submission, such plan shall be deemed approved and shall be effective for the purposes of this section; nor shall the provisions of this article which required the leaving of pine seed trees on acres where less than fifty per cent of the trees are loblolly or shortleaf pine, singly or together, apply to timber cutting rights acquired prior to July one, nineteen hundred fifty.

CHAPTER 245

An Act to designate June 2, 1960, and the same date on each succeeding year as First Lady's Day in Virginia; to repeal Chapter 337 of the Acts of Assembly of 1958, approved March 29, 1958, relating to First Lady's Day in Virginia, and to declare an emergency.

[H 351]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. Martha Washington's birthday, the second day of June, nineteen hundred sixty, and the same date of each succeeding year is designated as First Lady's Day in Virginia in special tribute to Martha Washington as America's First First-Lady and to each of her successors as First Ladies of this Nation; and upon this date, in perpetuity, all citizens, groups and appropriate agencies in and of the Commonwealth of Virginia and of the Nation are urged to reflect upon and give appropriate recognition to the magnificent contribution of this Nation's First Ladies to the heritage of the United States of America.

2. Chapter 337 of the Acts of Assembly of 1958, approved March 29, 1958, is hereby repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 246

An Act to amend and reenact § 62-183 of the Code of Virginia, relating to the throwing or dumping of dead animals, bait, refuse or garbage in streams and open waters above tidewater.

[H 406]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 62-183 of the Code of Virginia be amended and reenacted as follows:

§ 62-183. If any person knowingly or wilfully casts any dead animal, or any other noxious substance or matter, or what is commonly known as bait, into any water course of the State, *or if any person dump or throw, or cause to be dumped or thrown, any garbage, refuse or other like material into any open public stream of this State* above tidewater, by which the health of any person along the water course is affected or the water is rendered impure or offensive, *or by which rights of lower owners are interfered with,* he shall be fined not less than ten nor more than fifty dollars.

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CHAPTER 247

An Act to amend and reenact § 3-348, as amended, of the Code of Virginia of 1950, relating to compensation of the members of the Milk Commission.

[H 420]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 3-348, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 3-348. Compensation.—The members of the Milk Commission shall be paid each the sum of * *twenty* dollars per day for each day actually spent in the performance of their official duties, plus their actual and necessary expenses.

The compensation of the executive officer, the secretary and other employees of the Milk Commission shall be such as may be provided in accordance with law for the purpose.

CHAPTER 248

An Act to amend and reenact §§ 32-148, 32-153, and 32-154 of the Code of Virginia, these sections being part of Article 1 of Chapter 10 of Title 32, which article relates to maternity hospitals, the sections themselves relating, respectively, to permits required for the operation of such hospitals, the granting of such permits, and the prerequisites to the granting of the permits.

[H 423]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 32-148, 32-153, and 32-154 of the Code of Virginia be amended and reenacted as follows:

§ 32-148. (a) No person shall maintain or operate a maternity hospital in this State unless he shall first obtain from the Board a permit therefor, as hereinafter provided.

(b) No person shall construct a maternity hospital or make material alterations in or additions to an existing structure which is or is to be used as a maternity hospital unless he shall first have filed a copy of plans for such construction, alteration or addition with the Board.

(c) No permit issued pursuant to this article shall authorize any person to engage in the business or practice of child-placing, and no person shall engage in such business or practice unless specifically licensed as a child-placing agency by the Department of Welfare and Institutions as provided by law.

§ 32-153. The Board shall grant a permit to maintain and operate a maternity hospital to any person who makes application therefor on forms furnished, on request, by the Board, provided that upon inspection of the maternity hospital by the Board or its duly authorized agents, it is found that * satisfactory provision has been made by the applicant for compliance with all of the requirements of the next section.

§ 32-154. Every person who shall maintain or operate a maternity hospital in this State shall make provision for the following facilities, services and requirements:

(1) Physicians.—Each patient in a maternity hospital shall be under the care of or attended by a licensed physician.

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(2) Nurses.—* Sufficient registered graduate nurses shall be employed to provide adequate nursing supervision and care for all maternity patients and infants.

(3) Orders.—All orders from physicians regarding mothers and infants shall be written in ink on *patients'* charts or in order books, *at the time of the order, unless the writing of such order is prevented by unusual circumstances in which case the order shall be written within twenty-four hours from that time.*

(4) Examination of employees.—All employees of a maternity hospital who are in contact with patients at any time and all food handlers shall * *have a physical* examination, *including chest X-ray, at the time of employment, and at intervals thereafter as may be directed by the chief administrative officer of the hospital,* to determine freedom from communicable disease.

(5) Isolation of and care of patients; protection against accidents and fires.—The construction, space and arrangement of the building or section of the building used as a maternity hospital shall be such as to provide * isolation of maternity patients from any other type of patient, insure facilities for efficient care of maternity patients, provide protection against accidents, and conform to State and local fire laws.

(6) Equipment.—Such provision shall be made for instruments, equipment, linens and other facilities, including facilities for transfusion *and an available source of supply* of blood, as may be necessary for the proper care of maternity patients and infants.

(7) Nursery.—A room shall be provided as a nursery or each infant must have adequate individual care.

(8) Incubators.—*In every maternity hospital one incubator of* * such design and construction as shall be approved by the Board, shall be provided and maintained * *for every ten or fraction thereof bassinets in the hospital.*

(9) Infected patients.—Isolation facilities shall be available and used for the isolation of infected patients. All necessary precautions shall be taken to prevent the spread of infection to other persons.

(10) Sanitation.—Adequate provision shall be made for sanitation, general hygiene, and for the protection and handling of food.

(11) Vital statistics.—A maternity hospital shall keep a current register of births with all data required for the issuance of a birth certificate. Such data shall be recorded within twenty-four hours after the admittance, death or discharge of every mother; or after the birth, death or discharge of every newborn infant. Such records shall be available to the Board, or its agents, for inspection at all reasonable times.

CHAPTER 249

An Act to amend the Code of Virginia by adding a section numbered 58-86.6, providing special rules for the recognition of gain or loss on sales or exchanges in connection with certain liquidations.

[H 429]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 58-86.6 as follows:

§ 58-86.6. (a) General Rule.—If a corporation adopts a plan of complete liquidation and within the twelve month period beginning on the date of the adoption of such plan all the assets of the corporation are dis-

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tributed in complete liquidation, less assets retained to meet claims, then no gain or loss shall be recognized to such corporation from the sale or exchange by it of property within such twelve month period.

(b) Property Defined.—

(1) In General.—For purposes of subsection (a), the term "property" does not include—

(A) stock in trade of the corporation, or other property of a kind which properly would be included in the inventory of the corporation if on hand at the close of the taxable year, and property held by the corporation primarily for sale to customers in the ordinary course of its trade or business,

(B) installment obligations acquired at any time with respect to the sale or exchange of property described in subparagraph (A) of this subsection, and

(C) installment obligations acquired with respect to property, other than that described in subparagraph (A), sold or exchanged before the date of the adoption of such plan of liquidation.

(2) Nonrecognition With Respect to Inventory in Certain Cases.—Notwithstanding paragraph (1) of this subsection, if substantially all the property described in subparagraph (A) of such paragraph (1) which is attributable to a trade or business of the corporation is, in accordance with this section, sold or exchanged to one person in one transaction, then for purposes of subsection (a) the term "property" includes—

(A) such property so sold or exchanged, and

(B) installment obligations acquired with respect to such sale or exchange.

(c) Limitations.—This section shall not apply to any sale or exchange—

(1) following the adoption of a plan of complete liquidation if the transfer of all the property under the liquidation occurs within some one calendar month, or

(2) if eighty per centum or more of the total combined voting power of all classes of stock entitled to vote and eighty per centum or more of the total number of shares of all other classes of common stock of the corporation are owned by another corporation.

(d) Section not applicable to stockholders.—This section shall not apply to any extent to the stockholders of any corporation liquidating hereunder. Distributions in liquidation are not dividends within the meaning of the word "dividend" as used in § 58-77 (9). Distributions in liquidation shall continue to take the same status under this chapter as heretofore.

(e) When section effective.—This section shall be in force for taxable years beginning after December thirty-first, nineteen hundred and fifty-nine, and for fiscal years ending in nineteen hundred sixty with respect to sales and exchanges made after December thirty-first, nineteen hundred and fifty-nine.

CHAPTER 250

An Act to amend and reenact § 3-541 of the Code of Virginia of 1950, relating to the bond to accompany license for commission merchants.

[H 453]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 3-541 of the Code of Virginia be amended and reenacted as follows:

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§ 3-541. Notwithstanding the foregoing provisions of this article, no bond shall be required hereunder of any person to conduct or operate any tobacco warehouse or other similar place where dark or flue cured tobacco is sold at auction by or through any duly licensed auctioneer *or of any person operating a livestock auction market or stockyard which has been posted by the Secretary of Agriculture of the United States and is being operated under and pursuant to the terms and provisions of the Packers and Stockyards Act, 1921 (42 Stat. 159) and the laws amendatory thereof.*

CHAPTER 251

An Act to amend and reenact § 1-13.36 of the Code of Virginia, providing what provisions of law shall not be affected by § 1-13.35 of the Code.

[H 461]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1-13.36 of the Code of Virginia be amended and reenacted as follows:

§ 1-13.36. The provisions of § 1-13.35 shall not apply to, or limit the distribution of any State funds, grants-in-aid, or other allocation from the State treasury, to any county, city, town or other political subdivision of the State; *nor shall such section limit the creation of a new judicial circuit or the division of an existing judicial circuit or the designation of judges therefor when such creation of a new judicial circuit, division of a circuit, or designation of judges therefor is expressly contingent upon the results of the census of 1960 under legislation adopted by the General Assembly of nineteen hundred fifty-eight.*

CHAPTER 252

An Act to amend and reenact § 46.1-121 of the Code of Virginia, relating to temporary license plates issued to dealers.

[H 467]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-121 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-121. (a) The Division may, subject to the limitations and conditions hereinafter set forth, deliver temporary license plates designed by the Division to any dealer duly licensed under the provisions of this title who applies for not less than ten sets of such plates and who encloses with such application a fee of one dollar for each set for which application is made. Such application shall be made upon a form prescribed and furnished by the Division. Such dealers, subject to the limitations and conditions hereinafter set forth, may issue such temporary license plates to owners of vehicles, provided that such owners shall comply with the applicable provisions of this article.

(b) Display of a temporary dealer's license plate or plates upon a motor vehicle, trailer or semitrailer shall subject such vehicle to the requirements of §§ 46.1-293 and 46.1-298 of this title.

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(c) No application under subsection (a) of this section shall be construed to be a registration of a motor vehicle as provided in § 46.1-167.1.

CHAPTER 253

An Act to amend and reenact § 3-451.14, as amended, of the Code of Virginia of 1950, relating to standards for construction and operation of manufacturing establishments of ice cream and other frozen products and mixes.

[H 482]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 3-451.14, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 3-451.14. Standards for the construction and operation of manufacturing establishments of foods identified by this article are as follows:

(a) Standard for plant premises.—The premises of establishments shall be free from conditions creating health hazards and nuisances. Driveways shall be well graded and dust free.

(1) Dust Control.—Dust shall be adequately controlled to prevent contamination of ice cream or its ingredients.

(2) Drainage.—Suitable drainage shall be provided to allow quick run-off of all surface water from premises and buildings.

(3) Odor Control.—All sources of objectionable odors originating on the premises shall be eliminated.

(b) Standards for plant and equipment.—(1) Exterior of Plant.—These exteriors shall be in good repair and properly maintained.

(2) Floors.—The floors of all rooms in which mix, frozen dairy foods and water ices, or their ingredients are manufactured, frozen or stored, or in which containers and utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material, and shall be smooth, properly drained, provided with trapped drains, and kept clean; provided, that cold storage rooms need not be provided with drains. Provided, further, that the construction requirements of this item shall be waived, in frozen dairy food and water ices plants which freeze and sell only at retail on the premises, if the portion of the room in which containers or utensils are washed have impervious floors or solid floors covered with tight linoleum or other approved, washable material.

(3) Walls and Ceilings.—Walls and ceilings of rooms, except cold-storage rooms, in which mix, frozen dairy foods and water ices or their ingredients are manufactured or frozen, or in which containers or utensils are washed, shall have a smooth, washable, light colored surface, and shall be kept clean.

(4) Doors and Windows.—Unless other effective means are provided to prevent the access of flies, rodents and vermin, all outer openings shall be effectively screened, and doors shall be provided with self-closing devices.

(5) Lighting and Ventilation.—All rooms other than cold storage rooms shall be well lighted and ventilated.

(5a) Miscellaneous Protection from Contamination.—The various plant operations shall be so located and conducted as to prevent any contamination of the mix, frozen dairy foods and water ices, their ingredients, cleaned equipment, or containers. All means necessary for the elimination of flies shall be used. Separate rooms shall be provided for (a) the pas-

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teurizing, processing, cooling, freezing, and packaging operations, and (b) the washing and bactericidal treatment of containers: Provided, that requirement (a) shall be satisfied, in frozen dairy foods and water ices plants which freeze and sell only at retail on the premises, if all mixing, freezing and packaging processes, but not necessarily the hardening and storage compartments, are enclosed in a tight glass or other sanitary enclosure which is open only on the side farthest from the public, which has a dust-tight top extending over the entire freezer and which is protected by a fan so installed and of such power as to prevent the entrance of flies. Containers of frozen dairy foods and water ices ingredients shall not be unloaded directly into the room or rooms used for pasteurization or subsequent processes. Pasteurized mix or frozen dairy foods and water ices shall not be permitted to come in contact with equipment with which unpasteurized mix, frozen dairy foods and water ices, milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. None of the operations connected with frozen dairy foods and water ices plants shall be conducted in a room used for domestic purposes.

(6) Processing Rooms.—Processing rooms shall be of sufficient size for the purpose for which they are intended and to provide placement of equipment so that it is easily accessible for proper manufacturing operations and cleaning.

(7) Storage Rooms.—Storage rooms shall be in good repair, clean and orderly.

(8) Boiler Room.—Boiler rooms shall be separated from processing rooms and other rooms where dairy products or dairy supplies are handled or stored. It shall have tight partitions and self-closing doors to any processing rooms. It shall be orderly, clean and in good repair.

(9) Toilet Facilities.—There shall be provided toilet facilities which are kept clean, well ventilated, and in good repair. Toilet rooms shall not open directly into any room in which frozen dairy foods and water ices, their ingredients, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. In case privies or earth closets are permitted and used, they shall be separate from the building, and shall be of a sanitary type constructed and operated in conformity with the requirements of the State Board of Health.

(10) Water Supply.—The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

(11) Hand Washing Facilities.—Convenient hand washing facilities shall be provided, including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

(12) Sanitary Piping.—Only sanitary piping, valves and fittings of an approved type shall be used.

(13) Construction and Repair of Containers and Equipment.—All containers and equipment with which food products come in contact must be of an approved type and shall be constructed in such a manner as to be easily cleaned and shall be kept in good repair.

(14) Placement of Equipment.—Equipment shall be so placed as to be readily accessible for all manufacturing and cleaning operations.

(c) Plant operations.—(1) Disposal of Wastes.—All wastes shall be properly disposed of. Covered containers shall be provided.

(2) Cleaning and Bactericidal Treatment of Containers and Equipment.—All multiservice containers and equipment for mix, frozen dairy foods and water ices, or their ingredients shall be thoroughly cleaned after each usage. All containers shall be subjected to an approved bactericidal process after each cleaning, and all equipment before each usage. When

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empty and before being returned by a frozen dairy products and water ices plant, each food product container shall be effectively cleaned and subjected to bactericidal treatment.

(3) Storage of Containers.—After bactericidal treatment all multiuse containers for mix, frozen dairy food and water ices, and their ingredients shall be stored in such manner as to be protected from contamination.

(4) Handling of Containers and Equipment.—Between bactericidal treatment and usage, and during usage, containers and such equipment shall not be handled or operated in such manner as to permit contamination of the frozen dairy food and water ices, mix or their ingredients.

(5) Storage and Handling of Single Service Containers and Utensils. —Caps, parchment papers, wrappers, can liners, and single service sticks, spoons, and containers for frozen dairy foods and water ices, mix, or their ingredients shall be purchased only in sanitary containers, shall be kept therein in a clean dry place, and shall be handled in a sanitary manner.

(6) Protection from Contamination.—Special precautions shall be taken to avoid contamination of ice cream and/or its ingredients with microorganisms and extraneous material.

(7) Storage of Milk or Milk Product Mix Ingredients.—All milk and milk product mix ingredients shall be held at such temperatures which will prevent any quality deterioration of same prior to use in the mix.

(8) Mix Processing and Handling.—All mix shall be pasteurized by heating every particle of mix to at least 155° F. and holding at such temperature for at least thirty minutes in approved and properly operated equipment; provided, that nothing contained in this requirement shall be construed as disbarring any other process which has been demonstrated to be equally efficient and is approved by the Virginia Commissioner of Agriculture and Immigration.

Pasteurized mix shall immediately be cooled in approved equipment to a temperature of 45° F. or less and maintained thereat until frozen, and must be frozen into frozen food products within four days after pasteurization *or within such other period of time as the Virginia Commissioner of Agriculture and Immigration may from time to time establish.*

(9) Freezing and Packaging.—Freezing, packaging, cutting, molding, dipping and other preparation of mix or frozen dairy food and water ices, or their ingredients shall be done in an approved manner. Containers shall be covered immediately after filling with caps or covers and shall be handled in such a manner as to prevent contamination of the package contents.

(10) Overflow or Spillage.—Product drip, or overflow or spilled mix of frozen dairy foods and water ices or their ingredients, shall not be sold for human consumption.

(11) Returns.—Mix or frozen dairy foods and water ices in broken and open containers may after delivery be returned to the plant for inspection, but shall not be used for making mix or frozen dairy foods and water ices.

(12) Delivery Vehicles.—All vehicles used for the transportation of mix or frozen dairy foods and water ices or their ingredients shall be so constructed and operated as to protect their contents from the sun and from contamination. Such vehicles shall be kept clean, and no substance capable of contaminating mix or frozen dairy foods and water ices or their ingredients shall be transported therewith in such manner as to permit contamination.

(13) Illness of Employee or Communicable Disease in Employee's Household; Personal Appearance; Smoking and Spitting.—Illness of an employee or any communicable disease in the employee's household shall be immediately reported to the plant manager. If an employee has a communicable disease which may be transmitted by the products, or if there

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is a case of such disease in his household to which he is exposed, he shall not be allowed to work where he comes in contact directly or indirectly with the products, unless accompanied by a doctor's certificate. If at any time, there is reason to doubt an employee's fitness for work in the processing plant, the manager shall require the employee to have a physical examination made by a registered physician.

If the results of the examination of the employee by the examining physician show that the employee is not fit for such work, the examining physician shall immediately notify the management of his findings, and the recommendations of such physician shall be followed by management.

Employees shall present a neat personal appearance. No one shall smoke or spit in any room where products are handled.

CHAPTER 254

An Act to amend and reenact § 54-750, as amended, of the Code of Virginia, relating to qualification for a license as a real estate broker.

[H 484]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-750, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 54-750. A license shall be granted only to persons who bear a good reputation for honesty, truthfulness and fair dealing and are competent to transact the business of a real estate broker or a real estate salesman in such manner as to safeguard the interests of the public. No license shall be issued hereunder to any person:

(1) Who is unable to read, write and understand the English language;

(2) Whose application for a license as a real estate broker or real estate salesman has within six months prior to the date of his application hereunder been rejected in Virginia, in any other state or in the District of Columbia;

(3) Whose license as a real estate broker or real estate salesman has within one year prior to the date of his application hereunder been revoked in Virginia, in any other state or in the District of Columbia;

(4) Who is not a citizen of the United States; or who, if an alien, has not filed his intention as provided by law to become a citizen; or

(5) Who has been convicted, within the past five years, in a court of competent jurisdiction of this or any other state, or of the District of Columbia, or of the United States, of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud, bribery, or other like offense or offenses, or plead guilty or nolo contendere to any of such offenses, there being no appeal pending therefrom or the time therefor having elapsed.

Nor shall any license as a real estate broker be issued hereunder to any person who has not attained the age of twenty-one years *and who has not been licensed as a real estate salesman for a period of at least one year, or who has acquired equivalent experience in the opinion of the Commission.*

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CHAPTER 255

An Act to amend and reenact § 8-390 of the Code of Virginia, relating to the docketing required to perfect lien.

[H 521]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-390 of the Code of Virginia be amended and reenacted as follows:

§ 8-390. No judgment or decree rendered in a court of this State or in the circuit court of appeals or a district court of the United States within this State shall be a lien on real estate as against a purchaser thereof for valuable consideration without notice until and except from the time that it is duly docketed in the proper clerk's office of the county or city wherein such real estate may be. *Provided, however, when a judgment is revived under the provisions of § 8-396, that such revived judgment shall not be a lien as prescribed in this section unless and until said judgment is again docketed as provided herein. In such event the lien shall be effective from the date of the original docketing.*

CHAPTER 256

An Act to amend and reenact § 46.1-250, as amended, of the Code of Virginia, relating to stopping of trucks and certain buses on highways to discharge cargo or passengers.

[H 537]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-250, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 46.1-250. No truck or bus, or part thereof, except a school bus, shall be stopped on the traveled portion of any highway *outside of cities and towns* for the purpose of taking on or discharging cargo or passengers unless the operator cannot leave the traveled portion of the highway with safety. A school bus may be stopped on the traveled portion of the highway when taking on or discharging school children, but these stops shall be made only at points where the bus can be clearly seen for a safe distance from both directions.

CHAPTER 257

An Act to amend and reenact § 62-190 of the Code of Virginia, relating to obstructing Levisa fork of Big Sandy River, providing penalties for violations and authorizing injunctions.

[H 562]

Approved March 11, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 62-190 of the Code of Virginia be amended and reenacted as follows:

§ 62-190. *(a)* If any person place any dam or other obstruction in

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the * *Levisa* fork of *Big* Sandy River so as to prevent the free passage of timber, or any raft or boat, he shall be fined not less than fifty nor more than five hundred dollars; and, upon conviction thereof, the court or * *judge of the County court* shall order the dam or other obstruction to be removed at his expense.

(b) It shall also be unlawful for any person to dump, place or put, or cause to be dumped, placed, or put into, upon the banks of or into the channels of Levisa fork of Big Sandy River or any of its tributaries, any dirt, stone, coal, slate, cinders, mine refuse, trees, timber, logs or any other material or substance so as to in any wise narrow, fill or restrict or partially narrow, fill or restrict the channels of said streams or impede the natural flow of the waters of said river or any of its tributaries or dump, place or put, or cause to be dumped, placed or put any dirt, stone, coal, slate, cinders, mine refuse, trees, timber, logs or any other material, or substance where the same does by natural rainfall or flow of water become washed or otherwise carried into, upon the banks of, or into the channels of, such river or any of its tributaries so as to in any wise narrow, fill or restrict or partially narrow, fill or restrict the channels of any of said streams or impede the natural flow of the waters thereof. Any person who violates any provision of this law shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by confinement in jail not more than twelve months or both such fine and imprisonment. Each day that any of said materials or substances so dumped, placed or put, or caused to be dumped, placed or put into or so allowed to be washed or otherwise so carried into, upon the banks of or into the channels of, said streams shall constitute a separate offense and be punished as such.

(c) In addition to the foregoing penalties for violation of this law, the judge of the circuit court of the county wherein any such violation occurs, whether there be a criminal conviction therefor or not shall, upon a bill in equity, filed by the attorney for the Commonwealth of such county or by any person whose property is damaged or whose property is threatened with damage from any such violation, award an injunction enjoining any violation of this law by any person found by the court in such suit to have violated this law or causing the same to be violated, when made a party defendant to such suit.

(d) This section shall not be construed to restrict the construction or reconstruction of highways, or the construction or reconstruction of the right of way of any company subject to the State Corporation Commission, or the maintenance thereof in either case, provided the channel thereafter continues to permit a flow of water in such stream at least as large as that prevailing theretofore, provided that if the channel above the point of such work be widened or deepened subsequently then such company may be required by the circuit court of the county on petition of any interested person to change its right of way where practicable so as to permit the increased flow of water.

2. An emergency exists and this act is in force from its passage.

CHAPTER 258

An Act to authorize the Board of Visitors of the College of William and Mary in Virginia to sell and convey certain property in the city of Williamsburg to Colonial Williamsburg, Incorporated.

[H 581]

Approved March 11, 1960

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Whereas, the College of William and Mary in Virginia is the owner of a certain parcel of land in the city of Williamsburg, which parcel includes the eighteenth century location of the "Travis House"; and

Whereas, the Board of Visitors of the said College desires to make an exception to its general policy of retaining College land in order that important restoration and reconstruction work may be carried on in this historic area; and

Whereas, Colonial Williamsburg, Incorporated, is vitally interested in acquiring the said parcel of land for the purpose of reconstruction and restoration of the said historic area; and

Whereas, the Board of Visitors of the said College and the Trustees of Colonial Williamsburg, Incorporated, have had the value of the said parcel of land appraised by a board of impartial and independent appraisers and have agreed upon a fair purchase price therefor; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Visitors of the College of William and Mary in Virginia is hereby authorized to sell and convey for the sum of one hundred sixteen thousand four hundred dollars ($116,400.00) to Colonial Williamsburg, Incorporated, all that certain lot, piece or parcel of land comprising 1.96 acres, lying and being in the city of Williamsburg, Virginia, and more particularly described as follows:

Beginning at an iron rod marking the intersection of the northern line of Francis Street with the eastern line of South Henry Street, thence along the eastern line of said Henry Street N 4° 37′ W 193.50′ to an iron rod, thence N 85° 23′ E 312.01′ to a rod, thence N 4° 37′ W 4.00′ to a rod, thence N 85° 23′ E 43.62′ to a pipe, thence S 4° 37′ E 61.23′ to a pipe, thence N 85° 23′ E 119.84′ to a rod in the western line of Nassau Street, thence along the western line of Nassau Street S 4° 37′ E 136.27′ to a rod marking the intersection of the northern line of Francis Street with the western line of Nassau Street, thence along the northern line of Francis Street S 85° 23′ W 475.47′ to the point of beginning and containing 1.96 acres of land, which real estate was conveyed to the College of William and Mary in Virginia by deed from Colgate W. Darden, Jr., Governor of Virginia, etc., et al, dated September 5, 1945, and recorded on September 11, 1945, in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County in Deed Book 20, page 298.

§ 2. Such conveyance shall be by deed in form approved by the Attorney General of Virginia.

§ 3. All moneys received from the sale of said property shall be paid into the State treasury to the credit of the College of William and Mary in Virginia, to be expended by the Rector and Visitors for the construction in whole or in part of a new library for the College in Williamsburg, or for debt reduction, subject to the approval of the Governor.

2. An emergency exists and this act is in force from its passage.

CHAPTER 259

An Act to authorize, subject to certain conditions, the Board of Visitors of the College of William and Mary in Virginia to sell and convey certain property in the city of Williamsburg and county of James City to Colonial Williamsburg, Incorporated.

[H 582]

Approved March 11, 1960

Whereas, by deed dated September 5, 1945, the Commonwealth of Virginia, the State Hospital Board and Eastern State Hospital conveyed

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to the College of William and Mary in Virginia certain real estate lying partly within the corporate limits of the City of Williamsburg and partly within the County of James City, comprising approximately 207 acres with improvements thereon, which deed was recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg in James City County on September 11, 1945, in Deed Book 20, page 298; and

Whereas, the Board of Visitors of the College of William and Mary in Virginia desires to make an exception to its general policy of retaining College land in order that important restoration and reconstruction work may be carried on in this historic area of the City of Williamsburg and the County of James City; and

Whereas, Colonial Williamsburg, Incorporated, is vitally interested in acquiring a portion of the said property for the purpose of extending the historic area now restored; and

Whereas, the hereinbelow described portion of the said property now owned by the said College includes the site of the eighteenth-century public hospital and the Custis family property; now, therefore

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Visitors of the College of William and Mary in Virginia is hereby authorized to sell and convey to Colonial Williamsburg, Incorporated, upon such terms and conditions as it deems proper, subject to the approval of the Governor, the following described property:

All that certain piece or parcel of land, with improvements thereon and appurtenances thereto belonging, lying and being in the City of Williamsburg, Virginia, comprising 13.73 acres, and more particularly described as follows:

Beginning at an iron rod marking the intersection of the southern line of Francis Street with the east occupational line of South Henry Street, thence along the southern line of Francis Street N 85° 23′ E 1004.67′ to the property of the United States of America (Colonial National Monument Parkway), thence S 4° 37′ E 485.95′ to a point, thence S 85° 23′ W 113.03′ to a point, thence S 1° 48′ E 114.19′ to a point, thence in a westwardly direction along a line parallel to and 600.00′ south of the southern line of Francis Street S 85° 23′ W 936.17′ to a point in the east occupational line of South Henry Street, thence along the east occupational line of said street N 7° 03′ 40″ E 97.32′, N 2° 43′ 10″ E 109.03′, N 0° 54′ 30″ W 236.72′, N 4° 11′ 00″ W 160.33′ to the point of beginning and containing 13.73 acres of land.

2. Such conveyance shall be by deed in form approved by the Attorney General of Virginia.

3. The net proceeds from the sale of said property shall be deposited in the State Treasury to the credit of the College of William and Mary in Virginia to be expended by the Rector and Visitors towards the construction of a new library in Williamsburg, or for debt reduction, subject to approval of the Governor.

CHAPTER 260

An Act to reappropriate from the public revenue to the Departmnt of Conservation and Development the unexpended balance of Item 474-B of Chapter 716, Acts of the General Assembly, 1956, and reappropriated as Item 492 of Chapter 642, Acts of the General Assembly, 1958.

[S 70]

Approved March 12, 1960

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Be it enacted by the General Assembly of Virginia:

1. There is hereby reappropriated from the general fund to the Department of Conservation and Development the unexpended balance in the appropriation provided by Item 474-B of Chapter 716, Acts of the General Assembly, 1956, and reappropriated by Item 492 of Chapter 642, Acts of the General Assembly, 1958. Notwithstanding any conditions or limitations to the contrary in any prior acts of the General Assembly, such unexpended balance may be expended by the Department of Conservation and Development, or made available to the Department of Highways to be so expended, for the purpose of erosion control at Colonial Beach.

2. An emergency exists and this act is in force from its passage.

CHAPTER 261

An Act to provide a new charter for the town of Colonial Beach, and to repeal Chapter 373 of the Acts of Assembly of 1892, approved February 25, 1892, which incorporated such town and all amendments thereof.

[S 100]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

§ 1. That Colonial Beach, in the county of Westmoreland, shall constitute and continue a body politic and corporate.

§ 2. The boundaries of said town shall be as set forth in Chapter 373 of the Acts of Assembly of 1892 and as enlarged by order of the circuit court of Westmoreland County, duly entered in Common Law Order Book 6, at page 392, and duly recorded in the Clerk's Office of Westmoreland County, Virginia, in Deed Book 169, at pages 319 and 320.

§ 3. The administration and government of the town shall be vested in a council, composed of a mayor and six councilmen, all of whom shall be qualified electors of the town and all of whom shall be elected pursuant to the provisions of §§ 24-168 through 24-175 of the Code of Virginia. The town shall also have a treasurer, who shall be elected by the qualified voters of the town and whose election and term of office shall be coincident with that of the mayor and councilmen.

§ 4. The council may appoint a clerk, a town sergeant, a town attorney and such other officers, and may create such other boards and departments as it deems necessary or proper, and define their duties and functions. Such officers, boards and departments so appointed shall hold office during the pleasure of the council; shall give bond as the council requires; and shall receive such compensation as the council prescribes.

§ 5. The council may appoint a police justice for the town, who shall give such bond as the council requires and shall receive such compensation as the council prescribes. Such police justice shall have during such time as he serves the same powers as are conferred by law upon police justices for towns of this State including original exclusive jurisdiction to try cases involving violations of town ordinances, and shall have like powers in the matter of collecting fines and costs imposed by him as are vested by law in the judges of county courts. The mayor of the town shall be eligible for the office of police justice. The police justice shall hold his office for a period of two years or until his successor is appointed and qualified.

§ 6. The special school district of the town of Colonial Beach as is

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now provided by law under § 22-43 of the Code of Virginia shall be and is hereby continued.

§ 7. The powers set forth in §§ 15-77.2 through 15-77.70 of the Code of Virginia as in force on the twenty-seventh day of June, nineteen hundred fifty-eight, are hereby conferred on and vested in the town of Colonial Beach.

§ 8. All ordinances now in force in the town of Colonial Beach not inconsistent with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town after the effective date of this act.

2. Chapter 373 of the Acts of Assembly of 1892, approved February 25, 1892, and all amendments thereto are repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 262

An Act to repeal §§ 37-10, 37-11 and 37-12 of the Code of Virginia, relating to appointment, salaries, perquisites and removal of certain resident officers of the State Hospital Board.

[S 104]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 37-10, 37-11 and 37-12 of the Code of Virginia are repealed.

CHAPTER 263

An Act to amend and reenact §§ 37-34.2:6 and 37-34.2:7 of the Code of Virginia, relating to method of disposal of surplus property of the State Hospital Board and disposition of proceeds thereof.

[S 105]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 37-34.2:6 and 37-34.2:7 of the Code of Virginia be amended and reenacted as follows:

§ 37-34.2:6. The Board shall have the right to reject any and all bids received either at public auction or through sealed bids when in the opinion of the Board the price is inadequate in relation to the value of such property. If the Board deems the bid, in either case, fair and adequate in relation to the value of the property, it may accept such bid and shall notify the Governor of its acceptance. The deed conveying such property to the purchaser shall be executed by the State Hospital Board and shall be in form approved by the Attorney General. The terms of the conveyance shall be subect to the approval of the Governor in writing. *In lieu of sale of any such property, the Board may, with the approval of the Governor, lease the same to any responsible person, firm or corporation on such terms as shall be fair and adequate in relation to the value of such property. The provisions of this article requiring that disposition of such property shall be through the medium of sealed bids or public auction shall not apply to any lease thereof. The provisions of §§ 37-34.2:1 through 37-34.2:4 shall apply mutatis mutandis to any proposed lease of any such*

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property. The deed of lease to such property shall be in a form approved by the Attorney General and shall be executed by the State Hospital Board. The terms of any such lease shall be subject to the approval of the Governor in writing.

§ 37-34.2:7. The proceeds from all such sales *or leases* shall be paid into the general fund of the State treasury to be expended as provided by law.

CHAPTER 264

An Act to amend and reenact § 18-17, as amended, of the Code of Virginia, relating to appointment, terms and jurisdiction of conservators of the peace for designated places.

[S 109]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 18-17, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 18-17. The circuit, corporation or hustings court, or the judge thereof in vacation, of any county, city or town in which is located any watering place, natural cavern, airport, manufacturing plant, automobile race track, fair, football stadium, historical site, bank, or such other like place where there are great gatherings of people, or the University of Virginia, or any incorporated college, or any penal or correctional institution under control of the Department of Welfare and Institutions, *or any hospital or colony which is under the management, supervision and control of the State Hospital Board,* or any place, private or otherwise, which, in the discretion of the court, is deemed essential to national and State defense, may, upon the application of the proprietor of such watering place, natural cavern, airport, manufacturing plant, automobile race track, fair, football stadium, historical site, bank, or such other like place where there are great gatherings of people, or of the board of visitors of such university or the constituted authority of such college, or the superintendent of such penal or correctional institution, *or the superintendent of such hospital or colony* or upon application, formal or informal, of anyone alleging that the place involved is essential to, and should be specially policed in the interest of, national and State defense, appoint one or more citizens of the Commonwealth conservator or conservators of the peace, who shall hold office for such period of time as the court or judge thereof in vacation may fix, not to exceed one year from the time of appointment, and whose jurisdiction shall extend over the grounds attached to such watering place, natural cavern, airport, manufacturing plant, automobile race track, fair, football stadium, historical site, bank, university, college, penal or correctional institution, *hospital or colony* or other place, within such limits as shall be prescribed in the order appointing any such conservator, provided, however, that the jurisdiction of any conservator appointed for a college located within a city may also extend to the streets and sidewalks adjacent to the college grounds; and provided further that any conservator appointed for any penal or correctional institution shall be an employee of such institution and termination of such employment shall automatically revoke such appointment; *and provided further that any conservator appointed for any such hospital or colony shall be employed by such hospital or colony only as an institutional policeman, fireman, safety officer, security officer or caretaker and termination of such*

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employment shall automatically revoke such appointment. Any such conservator shall, within the limits for which appointed, have the power and jurisdiction of any other conservator of the peace.

CHAPTER 265

An Act to amend and reenact § 19 of Chapter 229 of the Acts of Assembly of 1948, approved March 13, 1948, which provided a charter for the town of Stephens City, the section relating to dedication of streets, roads and alleys.

[S 144]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 19 of Chapter 229 of the Acts of Assembly of 1948, approved March 13, 1948, be amended and reenacted as follows:

§ 19. * *No street, road, or alley shall be deemed dedicated to the town until it shall have first been accepted as such by an affirmative vote of the town council.* All plats and replats hereafter made subdividing any land within the corporate limits of the town, or one mile thereof, into streets, alleys, roads, lots or tracts, shall be submitted * *for* approval by the council before such plats or replats * *may be* filed for record or recorded in the office of the clerk of the circuit court of Frederick County, Virginia, and *the streets, roads, or alleys so designated shall not be deemed and held to be a dedication to the town until they shall be accepted by an affirmative vote of the council.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 266

An Act to create a Commission for Economy in Governmental Expenditures; to provide for the membership thereof, their terms of office, composition and powers and duties; to require State agencies and officers to assist the Commission; to provide for the appointment of Advisory Committees by the Commission; to require reports from the Commission; and to appropriate funds.

[S 149]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby created the Commission for Economy in Governmental Expenditures. The Commission shall consist of the Joint Auditing Committee of the Senate and House of Delegates together with three members of the Appropriations Committee of the House of Delegates appointed by the Speaker thereof, two members of the Senate appointed by the President of the Senate, and the Director of Personnel, ex-officio, who shall have no vote. The legislative members of the Commission shall receive the per diem provided members of the General Assembly and their necessary expenses incident to their work upon the Commission. The Commission shall make such reports as to its findings at such times as it deems proper submitting same to the Governor and shall, at least thirty days prior to each regular session of the General Assembly, report to the Governor and General Assembly.

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§ 2. The Commission shall consider present and proposed conditions of employment, what services and personnel might be eliminated, or combined in the interest of economical and efficient administration, needed administrative and supervisory practices, and, in general, shall make all necessary and needful studies to accomplish the aforesaid purpose.

§ 3. The Auditor of Public Accounts shall act as executive secretary. The Commission may employ such secretarial and other assistance as may be required for the discharge of its duties.

§ 4. All agencies of the State shall assist the Commission upon its request and furnish such information and assistance as the Commission may require in the discharge of its duties.

§ 5. The Commission may associate with itself such advisory committees of business men and others as it may deem necessary to advise it with respect to what business practices can be adopted to achieve greater economies and more efficient service. The expenses of the members of such committees shall be paid from the funds of the Commission.

§ 6. The Commission shall have no power to take any act constitutionally reserved to the executive branch of the State Government.

2. There is hereby appropriated from the general fund of the State treasury not otherwise appropriated for each year of the biennium beginning July one, nineteen hundred sixty, the sum of twenty thousand dollars to be expended as set forth in this act.

CHAPTER 267

An Act to amend and reenact § 18-329 of the Code of Virginia, relating to working or transacting business on Sunday; and to add §§ 18-329.1 and 18-329.2, to provide penalties for violations.

[H 279]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 18-329 of the Code of Virginia be amended and reenacted, and new sections numbered 18-329.1 and 18-329.2 be added, as follows:

§ 18-329. * *Working or transacting business on Sunday.—On the first day of the week, commonly known and designated as Sunday, it shall be unlawful for any person to engage in work, labor or business or to employ others to engage in work, labor or business except in household or other work of necessity or charity. The exemption for works of necessity or charity contained in the preceding sentence shall not be deemed to include selling at retail or wholesale or by auction, or offering or attempting to sell, on Sunday, any of the following: jewelry; precious and semi-precious stones; silverware; watches; clocks; luggage; musical instruments; recordings; toys (excluding items customarily sold as novelties and souvenirs); clothing and wearing apparel; clothing accessories; footwear; textile yard goods; housewares; china; kitchenware; home, business, office or outdoor furniture, furnishings and appliances; sporting goods (excluding sales or rental of bathing, boating, and fishing paraphernalia and equipment, and sales or rental on the premises where sports, athletic events or recreational facilities are located or conducted of equipment essential to the normal use or operation of such premises for the purposes specified); pets, pet equipment or supplies; cameras and photographic supplies (excluding film and flash bulbs); hardware; tools; paints; building and lumber supplies and materials; motor vehicles; trailers (excluding mobile homes); farm implements; lawn and garden equipment and sup-*

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plies; farm produce (excluding sales of farm produce grown by the seller and sold at roadside stands or at the place where grown) or fresh, frozen or salt meats, poultry or seafood customarily inedible without further cooking or preparation (excluding smoked or cured hams). No inference shall arise from the foregoing enumeration of classes of personal property that sales or offers or attempts to sell other classes of personal property not mentioned are included within the above exemption for works of necessity or charity. This section shall not apply to furnaces, kilns, plants, wholesale food warehouses, ship chandleries, and other business of like kind that may be necessary to be conducted on Sunday, nor to the publication, distribution and sale of newspapers or magazines, nor to the sale of motor fuels or oils, repair parts or accessories for immediate necessary use in connection with motor vehicles, boats or aircraft, nor to the operation of motion picture theatres, nor to sports, athletic events, scenic, historic and recreational and amusement facilities.

§ 18.329.1—Punishment for violation.—Any person violating the provisions of § 18-329 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars for the first offense and not more than two hundred dollars for the second or any subsequent offense occurring within one year after conviction of the first offense, or in default thereof shall be confined in jail for not exceeding thirty days. In addition, the court in which any judgment of conviction is rendered may require of the person so convicted a recognizance in a penalty of not less than five hundred or more than five thousand dollars, with or without security, conditioned that such person shall be of good behavior, and especially shall refrain from a repetition of such offense for a period not exceeding twelve months. Each separate sale, offer or attempt to sell on Sunday the classes of personal property enumerated in § 18-329, and each Sunday a person is engaged in other work, labor or business in violation of § 18-329, or employs others to be so engaged, shall constitute a separate offense.

§ 18-329.2. Continued violations deemed a nuisance.—In addition to the penalties upon conviction of violations hereinabove provided, the premises in or upon which the violations occurred shall be deemed a nuisance after any four violations of § 18-329 occurring within any period of twelve months have resulted in convictions.

CHAPTER 268

An Act to amend and reenact § 54-273, as amended, of the Code of Virginia, relating to definitions in laws relating to the healing arts.

[H 328]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-273, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 54-273. When used in this chapter unless expressly stated otherwise:

(1) "Board" means the Board of Medical Examiners for the State of Virginia.

(2) "The healing arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases, or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

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(3) "Practice of medicine" means the treatment of human ailments, diseases, or infirmities by any means or method.

(4) "Practice of homeopathy" means the treatment of human ailments, diseases, or infirmities by any means or method.

(5) "Practice of osteopathy" means the treatment of human ailments, diseases, or infirmities by any means or method other than surgery and drugs, provided, however, that if a duly licensed osteopath has satisfied the Board of Medical Examiners that he has had adequate clinical experience at the professional school from which he graduated, or hospital work, to enable him to perform surgery with the use of instruments, or has satisfied the Board by an examination that he is qualified to practice surgery, and has further satisfied the Board by an examination that he is qualified to administer drugs, then the term "practice of osteopathy" as applied to such person shall include the use of surgery and drugs.

(6) "Practice of chiropractic" means the adjustment of the twenty-four movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy. It does not include the use of surgery, obstetrics, osteopathy, nor the administration nor prescribing of any drugs, medicines, serums or vaccines.

(7) "Practice of naturopathy" means the treatment of human ailments, diseases or infirmities by means of heat, light, diet, massage, baths and other natural agents, but does not include the use of surgery, the X-ray, X-ray therapy, electro therapeutics, obstetrics, osteopathy, or the prescribing of any drug or medicine.

(8) "Practice of chiropody (podiatry)" means the medical, mechanical and surgical treatment of the ailments of the human foot, but does not include amputation of the foot or toes, nor the use of other than local anesthetics.

(9) "Practice of physical therapy" means the treatment under medical prescription and direction of bodily or mental disorders of any person by use of physical, chemical and other properties of heat, cold, light, water, electricity or sound, and by means of mechanical, electronic and other devices, massage, exercise and other physical procedures, whether such devices and procedures are for therapeutic or for retraining or rehabilitation purposes. The term "physical therapy" as used in this chapter does not include the use of Roentgen rays and radium for diagnostic or therapeutic purposes or the use of electricity for shock therapy and surgical purposes, including cauterization. Nothing in this definition shall be construed to limit or restrict the practice of any person licensed by the Board as other than a physical therapist, *nor shall anything in this definition limit or restrict the giving or use of massages, steam baths, dry heat rooms, infra red heat or ultra violet lamps in health clubs and spas, public or private*

CHAPTER 269

An Act to amend and reenact § 10-79.1 of the Code of Virginia, relating to the procedure to insure proper planting after conviction of failing to leave seed trees uncut, cash deposit or bond requirements and to provide for inspection of the planting.

[H 340]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 10-79.1 of the Code of Virginia be amended and reenacted as follows:

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§ 10-79.1. * *When any person shall be convicted of failing to leave seed trees uncut as required by § 10-76 or 10-76.1 of this article, the Judge of the County Court or the Judge of the Circuit Court, as the case may be, shall require the person so convicted to immediately post with the Court a cash deposit or a bond of a reputable surety company in favor of the State Forester of Virginia in the amount of five dollars for each and every seed tree adjudged to be in violation of this article.*

The Judge of the County Court or the Circuit Court shall cause the said cash deposit or surety bond to be delivered to the State Forester who shall hold the said cash or surety bond in a special account, until it is used or released as hereinafter provided. The purpose of the cash or surety bond is to insure that the general cutover area on which seed trees are found to be in violation shall be planted with tree seedlings of the same species as the trees cut in violation of this article in a manner hereinafter specified.

For each tree found in violation under this article, one hundred tree seedlings shall be planted on the general cutover area on which seed trees are found in violation, in spots where seedlings, saplings or trees of the required species, as hereinafter specified, do not occur at the time of planting. Each seedling shall be planted in a separate hole, and the seedlings shall be distributed over the area in such a manner that no planted seedling shall be less than six feet distant from any other planted seedling, and seedlings shall not be planted closer than six feet to any sapling or tree which is liable to cast shade from direct sunlight over the planted seedling. The seedlings shall be planted during the period of the year when forest tree seedlings are customarily planted in the section of the State in which the cutover area is located. After receipt of the tree seedlings from the nursery, care shall be taken to keep the seedling roots in a moist, uninjured condition at all times previous to actual planting, and the seedlings shall be planted in a careful, workmanlike manner. Planted seedlings shall be of the same tree species as the seed trees found in violation, or if two or more seed tree species are found in violation, the species of the planted seedlings shall be in proportion to the seed trees found in violation. The above specified manner of planting and tree species planted shall be observed whether the planting is done by the person found in violation of this article, or by the State Forester.

A person convicted of violation of this article may, within one year next following date of conviction, plant tree seedlings on the general cutover area of the specie or species and in the manner hereinbefore specified. Upon completion of the planting, the person shall immediately notify the State Forester in writing that the area has been planted. The State Forester or his representative shall then inspect the area and if he finds the planting to be done in accordance with the specifications hereinbefore set forth, he shall notify the person in writing and return the cash deposit or surety bond to the person depositing it.

If, upon inspection, the State Forester finds that the general cutover area or any part thereof has not been planted in the manner and during the period of year hereinbefore specified, or that the area has not been planted previous to one year following date of conviction, the State Forester shall then plant the area during the next following planting season, and do such forest cultural work as he may deem necessary by reason of the delayed planting, keeping a careful and accurate account of all costs incurred, including a reasonable administrative cost. Following completion of the planting operation the State Forester shall prepare a certified statement showing the cost of planting, which cost shall be paid from the cash deposit, or if a surety bond has been deposited the State Forester shall proceed to collect the cost of planting from the bonding company. The State Forester shall then submit to the person making the deposit a certified

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statement of the cost of planting, together with any cash remaining after paying the cost of planting and forest cultural work, if any.

In no case shall the State Forester be required to expend for planting and forest cultural operations more than five dollars per seed tree found in violation of this article.

CHAPTER 270

An Act to amend and reenact § 1 of Chapter 481 of the Acts of Assembly of 1895-96, approved February 24, 1896, relating to authorization of sale of certain church property in the city of Richmond, and certain funds in connection therewith.

[H 544]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Chapter 481 of the Acts of Assembly of 1895-96, approved February 24, 1896, be amended and reenacted as follows:

§ 1. Charles J. Sinton, Samuel Sinton and George C. Thomas, trustees for said property *(being the property referred to and described on pages 499 and 500 of the Acts of Assembly 1895-96)* or any one of them, acting with the consent of the others, be and they are hereby, authorized to sell said property at private or public auction, and apply the proceeds as follows: One-half of the same to be invested in the name of W. B. Gay, J. T. Johnson, E. F. Smith, Mistress E. D. Whitehead and J. C. Williams, trustees, *or their successors,* to be used for the purchase or erection of a church for the congregation of or persons attending the church known as the first Unitarian church of the city of Richmond; the other half to be invested in bonds of the State of Virginia in the name of the Universalist general convention, a corporation, to be held until * *The Universalist Church of America, or its successors in interest, shall in its sole discretion determine to use such funds for any church purposes.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 271

An Act to amend and reenact § 33-3 of the Code of Virginia, relating to the State Highway Commissioner in order to provide for the appointment of an "Acting State Highway Commissioner" in the event of the death of the State Highway Commissioner.

[S 346]

Approved March 12, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 33-3 of the Code of Virginia be amended and reenacted to read as follows:

§ 33-3. The chairman, whose official title shall be State Highway Commissioner, and who may, at the time of his appointment, be a nonresident of Virginia, shall be a practical business man and shall be appointed at large. The State Highway Commissioner, hereinafter in this title sometimes called "the Commissioner", shall devote his entire time and attention to his duties and shall receive such compensation as shall be fixed by the Governor, subject to the approval of the Commission, unless

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such salary be fixed by the General Assembly in the appropriation act. He shall also be reimbursed for his actual traveling expenses while engaged in the discharge of his duties.

In the event of a vacancy due to death of the State Highway Commissioner, the Governor may appoint an "Acting State Highway Commissioner", until such time as the vacancy may be filled as provided in § 33-1 of the Code of Virginia. Such "Acting State Highway Commissioner" shall have all powers, and perform all duties, of the State Highway Commissioner as provided by law, and shall receive such compensation as may be fixed by the Governor.

Nothing herein contained shall be construed so as to authorize or empower such "Acting State Highway Commissioner" to serve as a member of the Elizabeth River Tunnel Commission.

2. An emergency exists and this Act is in force from its passage.

CHAPTER 272

An Act to amend and reenact §§ 38.1-472 as amended, 38.1-475, 38.1-476, 38.1-477, 38.1-479 as amended and 38.1-480 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 38.1-472.1 and 38.1-476.1, the amended and new sections relating to group life insurance; and to repeal §§ 38.1-473, 38.1-474 as amended, 38.1-477.1, 38.1-477.2, 38.1-478 and 38.1-481, relating to the same matters.

[H 215]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.1-472 as amended, 38.1-475, 38.1-476, 38.1-477, 38.1-479 as amended and 38.1-480 of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding sections numbered 38.1-472.1 and 38.1-476.1, as follows:

§ 38.1-472. A policy of group life insurance * may be issued to an employer, or to the trustees of a fund established by the employer, which employer or trustee shall be deemed to be the policyholder, * *to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:*

(1) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership or contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership.

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(2) The premium for the policy shall be paid by the policyholder, from funds contributed by the employer, the employees or the employer and the employees jointly. A policy on which all or a part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least seventy-five per centum of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least ten employees at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustee.

§ 38.1-472.1. (1) Insurance under any group life insurance policy issued pursuant to § 38.1-472, or § 38.1-479 may, if seventy-five per centum of the then insured employees elect, be extended to insure the spouse and minor children, or any class or classes thereof, of each such insured employee who so elects, in amounts in accordance with a plan which precludes individual selection by the employees or by the employer or trustee. The insurance on the life of any one family member shall not be in excess of fifty per centum of the insurance on the life of the insured employee or the amount shown in the schedule below, whichever is less:

Age of family member at death	*Maximum Insurance*
Under 6 Months	*$100*
6 months and under 2 years	*$200*
2 years and under 3 years	*$400*
3 years and under 4 years	*$600*
4 years and under 5 years	*$800*
5 years and over	*$1,000*

Premiums for the insurance on such family members shall be paid by the policyholder, either from the employer's funds or funds contributed by him, trustee's funds, or from funds contributed by the insured employees, or from both.

(2) A spouse insured pursuant to this section shall have the same conversion right as to the insurance on his or her life as is vested in the employee.

(3) Notwithstanding the provisions of § 38.1-428, only one certificate need be issued for each family unit if a statement concerning any dependent's coverage is included in such certificate.

§ 38.1-475. A policy of group life insurance may be issued * *to a department head or to a trustee, or to an association of public employees formed for purposes other than obtaining insurance, which department head or trustee or association shall be deemed the policyholder, to insure the members of a group of public employees, subject to the following requirements:*

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, either (a) from salary deductions authorized by, or charges collected from, the insured employees or members specifically for the insurance, or from the association's own funds, or from both, or (b) partly from such funds and partly from funds contributed by the employer. Any such deductions

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from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five per centum of the then eligible employees or association members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

(3) The policy must cover at least twenty-five persons at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employer, the employees or members or by the association.

(5) As used herein, "public employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them, including elected or appointed officials, teachers in the public schools, members of the State police and, if full time employees, members of municipal or county police and fire departments; "department" means a governmental department, division, bureau, office or agency; and "department head" means the officer in charge thereof.

§ 38.1-476. A policy of group life insurance may be issued * *to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:*

(1) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five per centum of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least twenty-five members at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union.

§ 38.1-476.1. A policy of group life insurance may be issued to a credit union organized pursuant to the laws of this State or pursuant to the Federal Credit Union Act, which credit union shall be deemed the policyholder, to insure members of the credit union for the benefit of persons other than the credit union, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all of the members of the credit union, or all of any class or classes thereof determined by age, or by membership in the credit union, or both.

(2) The premium for the policy shall be paid by the policyholder wholly from funds contributed by the insured members specifically for such insurance at prevailing rates, and the policy must insure at least seventy-five per centum of the eligible members, or seventy-five per cent

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except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least twenty-five members at date of issue.

(4) The amount of insurance on the life of any member shall not exceed the total amount of his shares and deposits in the credit union or $2,000.00, whichever is less.

§ 38.1-477. A policy of group life insurance may be issued * *to an* association of employees of one employer*, *formed for purposes other than obtaining insurance, which association shall be deemed the policyholder, to insure members of the association for the benefit of persons other than the employer or the association, subject to the following requirements:*

(1) The members eligible for insurance under the policy shall be all of the members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the association's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five per centum of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least one hundred members at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured members or by the association.

§ 38.1-479. A policy of group life insurance may be issued * *(a) to an incorporated association of* employers in the same industry, *formed for purposes other than obtaining insurance, or (b) to the trustees of a fund established by two or more employers in the same industry,* or *by* * one or more labor unions, or *by* * one or more employers and * one or more labor unions, *or (c) to the trustees of a fund established by one or more professional organizations or associations, formed for purposes other than obtaining insurance, which association or trustees shall be deemed the policyholder, to insure under (a) employees of two or more employer members of the association, or under (b) employees of the employers or members of the unions, or under (c) members of the professional association or associations and the employees of one or more such members, for the benefit of persons other than the associations, or the employers or the labor unions, subject to the following requirements:*

* *(1)* The persons eligible for insurance shall be all of the employees of the employers *or all of the members of the professional associations* or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership, * or to both. The policy may provide that the term "employees" shall include *retired employees, and the individual proprietor or partners if an employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation*

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by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the busines of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

* *(2)* The premium for the policy shall be paid by the * *policyholder* either (a) wholly from * funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or (b) partly from such funds and partly from funds contributed by the insured employees or *union* members, *or (c) wholly from funds contributed by the professional association or associations, or (d) partly from such funds and partly from funds contributed by the insured association members.* No policy may be issued under * this section on which the entire premium is to be derived from funds contributed by the insured * *persons specifically for their insurance.* A policy on which part of the premium is to be derived from funds contributed by the insured * *persons* may be placed in force only if at least seventy-five per cen*tum* of the then eligible *members* or employees of any *participating* employer unit, * excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees or members, must insure all eligible * *persons,* or all except any as to whom evidence of individual insurability is not satisfactory to the insurer. *Each individual employer, in so far as applicable to his own employees, may select the method of apportionment of the premium payment between himself and his employees, and such method may be varied as among the individual participating employers.*

* *(3)* The policy must cover at date of issue at least one hundred persons and not less than an average of * *three* persons per employer unit; and if the fund is established by the members of an association of employers the policy may be issued only if (i) either (a) the participating employers constitute at date of issue at least sixty per centum of those employer members whose employees are not already covered for group life insurance or (b) the total number of persons covered at date of issue exceeds six hundred; and (ii) the policy shall not require that, if a participating employer discontinues membership in the association, the insurance of his employes shall cease solely by reason of such discontinuance.

* *(4)* The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, * unions, *or associations.* *

§ 38.1-480. A policy of group life insurance may be issued * *to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:*

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments over a period of not less than five years from the initial date of debt, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, proprietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. No

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debtor shall be eligible unless the indebtedness constitutes an irrevocable obligation to repay which is binding upon him during his lifetime at the time the insurance becomes effective upon his life.

(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five per centum of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five per centum of the new entrants become insured. The policy may exclude from the classes eligible for insurance classes of debtors determined by age.

(4) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in installments to the creditor, or ten thousand dollars, whichever is less. Where the indebtedness is repayable in one sum to the creditor, the insurance on the life of any debtor shall in no instance be in effect for a period in excess of eighteen months except that such insurance may be continued for an additional period not exceeding six months in the case of default, extension or recasting of the loan. The amount of the insurance on the life of any debtor shall at no time exceed the amount of the unpaid indebtedness, or ten thousand dollars, whichever is less.

(5) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

2. That §§ 38.1-473, 38.1-474 as amended, 38.1-477.1, 38.1-477.2, 38.1-478 and 38.1-481 of the Code of Virginia are repealed.

3. The provisions of this Act shall not apply to any policy of group life insurance legally in effect on the effective date of this Act, or to any renewal or renewals thereof issued by the same carrier or to any reissue thereof by another carrier on substantially the same terms as the policy it replaces.

CHAPTER 273

An Act to amend and reenact §§ 38.1-424, 38.1-426, 38.1-427 and 38.1-428 of the Code of Virginia, and to amend the Code by adding sections numbered 38.1-424.1, 38.1-426.1, 38.1-427.1, 38.1-428.1, 38.1-428.2, 38.1-428.3 and 38.1-428.4, the amended and new sections all relating to standard provisions in policies of group life insurance.

[H 216]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.1-424, 38.1-426, 38.1-427 and 38.1-428 of the Code of Vir-

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ginia be amended and reenacted, and that the Code be amended by adding sections numbered 38.1-424.1, 38.1-426.1, 38.1-427.1, 38.1-428.1, 38.1-428.2, 38.1-428.3 and 38.1-428.4, as follows:

§ 38.1-424. No policy of group life insurance shall be delivered or issued for delivery in this State unless it contains in substance * the provisions prescribed in this article, or provisions which in the opinion of the Commission are more favorable * to the persons insured, * *or at least as favorable to the persons insured and more favorable to the policyholder; provided, however, (a) that provision in §§ 38.1-427.1 to 38.1-428.3 inclusive shall not apply to policies issued to a creditor to insure debtors of such creditor; (b) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; and (c) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commission is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies.*

§ 38.1-424.1. In each such policy there shall be a provision that the policyholder is entitled to a grace period of thirty-one days for the payment of any premium due except the first, during which grace period the death benefit coverage shall continue in force, unless the policyholder shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder shall be liable to the insurer for the payment of a pro rata premium for the time the policy was in force during such grace period.

§ 38.1-426. In each such policy there shall be a provision that the policy, *or the policy,* the application, *if any,* of the *policyholder,* and the individual applications, if any, of the *persons* insured shall constitute the entire contract between the parties*; that a copy of the application, if any, of the policyholder shall be attached to the policy when issued;* * that all statements made by the *policyholder* or by the *persons insured* shall * be deemed representations and not warranties; and that no * *written* statement *made by any person insured* shall be used in *any contest* unless * *a copy of the instrument containing the statement is or has been furnished to such person or to his beneficiary.*

§ 38.1-426.1. In each such policy there shall be a provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of his coverage.

§ 38.1-427. In each such policy there shall be a provision *specifying an* equitable adjustment of * *premiums* or * *of benefits or of both to be made* in the event * the age of a *person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.*

§ 38.1-427.1 In each such policy there shall be a provision that any sum becoming due by reason of the death of the person insured shall be payable to the beneficiary designated by the person insured, subject to the provisions of the policy in the event there is no designated beneficiary, as to all or any part of such sum, living at the death of the person insured, and subject to any right reserved by the insurer in the policy and set forth in the certificate to pay at its option a part of such sum not exceeding five hundred dollars to any person appearing to the insurer to be equitably entitled thereto by reason of having incurred funeral or other expenses incident to the last illness or death of the person insured.

§ 38.1-428. In each such policy there shall be a provision that the

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insurer will issue to the *policyholder* for delivery to *each person* * insured * an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom *the insurance benefits are* payable, * *and the rights and conditions set forth in §§ 38.1-428.1, 38.1-428.2 and 38.1-428.3, following.*

§ 38.1-428.1. In each such policy there shall be a provision that if the insurance, or any portion of it, on a person covered under the policy, other than a child of an employee insured pursuant to § 38.1-472.1, ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person shall be entitled to have issued to him by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one days after such termination, and provided further that,

(a) The individual policy shall, at the option of such person be on any one of the forms, except term insurance, then customarily issued by the insurer at the age and for the amount applied for;

(b) the individual policy shall be in an amount not in excess of the amount of life insurance which ceases because of such termination less the amount of any life insurance for which such person is or becomes eligible under any group policy within thirty-one days after such termination, provided that any amount of insurance which shall have matured on or before the date of such termination as an endowment payable to the person insured, whether in one sum or in instalments or in the form of an annuity, shall not, for the purposes of this provision, be included in the amount which is considered to cease because of such termination; and

(c) the premium on the individual policy shall be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such person then belongs, and to his age attained on the effective date of the individual policy.

§ 38.1-428.2. In each such policy there shall be a provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured persons, every person, other than a child of an employee insured pursuant to § 38.1-472.1, insured thereunder at the date of such termination whose insurance terminates and who has been so insured for at least five years prior to such termination date shall be entitled to have issued to him by the insurer an individual policy of life insurance, subject to the same conditions and limitations as are provided by § 38.1-428.1, except that the group policy may provide that the amount of such individual policy shall not exceed the smaller of (a) the amount of the person's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which he is or becomes eligible under any group policy issued or reinstated by the same or another insurer within thirty-one days after such termination, and (b) two thousand dollars.

§ 38.1-428.3. In each such policy there shall be a provision that if a person insured under the group policy dies during the period within which he would have been entitled to have an individual policy issued to him in accordance with § 38.1-428.1 or § 38.1-428.2 and before such an individual policy shall have become effective, the amount of life insurance which he would have been entitled to have issued to him under such individual policy shall be payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

§ 38.1-428.4. In each such policy issued to a creditor to insure debtors of such creditor, where any part of the premium is paid by the debtors or by the creditor from identifiable charges collected from the insured

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debtors not required of an uninsured debtor, there shall be a provision that the insurer will furnish to the policyholder for delivery to each debtor insured under the policy a form which will contain a statement that the life of the debtor is insured under the policy and that any death benefit paid thereunder by reason of his death shall be applied to reduce or extinguish the indebtedness.

2. The provisions of this act shall not apply to any policy of group life insurance legally in effect on the effective date of this act, or to any renewal or renewals thereof issued by the same carrier or to any reissue thereof by another carrier on substantially the same terms as the policy it replaces.

CHAPTER 274

An Act to amend and reenact § 8-393 of the Code of Virginia, relating to when suit to enforce lien of judgment is barred in equity.

[H 408]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-393 of the Code of Virginia be amended and reenacted as follows:

§ 8-393. No suit shall be brought to enforce the lien of any judgment heretofore or hereafter rendered upon which the right to issue an execution, or bring a scire facias, or an action, is barred by §§ 8-396 and 8-397, nor shall any suit be brought to enforce the lien of any judgment, heretofore or hereafter rendered, against lands which have been conveyed by the judgment debtor to a grantee for value, unless the same be brought within ten years from the due recordation of the deed from such judgment debtor to such grantee *and unless a notice of lis pendens shall have been recorded in the manner provided by § 8-142 before the expiration of such ten-year period.* This section so far as it affects such grantees for value or those claiming under them, shall apply as well to judgments in favor of the Commonwealth as to other judgments.

CHAPTER 275

An Act to amend and reenact § 20-61, as amended, of the Code of Virginia, relating to desertion or nonsupport of wife or children in necessitous circumstances.

[H 421]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20-61, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 20-61. Any husband who without just cause deserts or wilfully neglects or refuses or fails to provide for the support and maintenance of his wife, and any parent who deserts or wilfully neglects or refuses or fails to provide for the support and maintenance of his or her child under the age of seventeen years, or child of whatever age who is crippled or otherwise incapacitated for earning a living, the wife, child or children being then and there in necessitous circumstances, shall be guilty of a misde-

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meanor and upon conviction shall be punished by a fine of not exceeding five hundred dollars, or confinement in jail not exceeding six months, or in the case of a husband or father * *by confinement on* the State convict road force at hard labor for a period of not less than ninety days nor more than twelve months or both; or in lieu of the fine or confinement being imposed he or she may be required to suffer a forfeiture of an amount not exceeding the sum of one thousand dollars, and the fine or forfeiture may be directed by the court to be paid in whole or in part to the wife or to the guardian, curator, custodian or trustee of the minor child or children, or to some discreet person or responsible organization designated by the court to receive it.

2. An emergency exists and this act is in force from its passage.

CHAPTER 276

An Act to amend and reenact § 6-35 of the Code of Virginia, relating to the payment of subscriptions to capital stock of banks and prohibiting the payment of commissions, fees, brokerage, etc., for the sale of stock of banks and trust companies.

[H 433]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-35 of the Code of Virginia be amended and reenacted as follows:

§ 6-35. * The State Corporation Commission shall * *not* issue a certificate of authority to any bank to commence business if commissions, fees, brokerage, or other compensation, by whatever name it may be called, have been paid or contracted to be paid by * *the* bank, or by any one in its behalf, either directly or indirectly, to any person, partnership, association or corporation for the sale of stock in * *said* bank.

*

2. An emergency exists and this act is in force from its passage.

CHAPTER 277

An Act to repeal § 38.1-301.6 of the Code of Virginia, relating to issue of certificate of qualification to certain life agents.

[H 456]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-301.6 of the Code of Virginia is repealed.

CHAPTER 278

An Act to amend and reenact §§ 14-132 and 14-136, as amended, of the Code of Virginia, relating to fees for services in criminal cases.

[H 464]

Approved March 15, 1960

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Be it enacted by the General Assembly of Virginia:

1. That §§ 14-132 and 14-136, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-132. Fees for services performed by the judges or clerks of courts not of record in criminal actions and proceedings shall be as follows and such fees shall be included in the taxed costs:

(1) For issuing a warrant of arrest, or a warrant for violation of an ordinance, including the issuing of all subpoenas, one dollar; provided, that when such fee is collected from the defendant or other person for him, such fee shall be * *two dollars.*

(2) For issuing a search warrant, one dollar.

(3) For trying or examining a case of misdemeanor, including swearing witnesses and taxing costs, two dollars.

(4) For examining a charge of felony, including swearing witnesses and taxing costs, two dollars.

(5) For admitting any person to bail, including the taking of the necessary bond, one dollar, which shall, notwithstanding other provisions to the contrary, be collected at the time of admitting the person to bail, but which shall in no case be paid out of the State treasury.

(6) For filing and indexing all papers connected with any criminal action in a county or municipal court, twenty-five cents, which when collected shall be transmitted to the clerk of the circuit or corporation court with such papers in the manner prescribed by § 19-310, when such papers are required by law to be transmitted to a court of record.

§ 14-136. A justice of the peace shall charge for services rendered by him in criminal actions and proceedings the following fees only:

(1) For issuing a warrant of arrest, or a warrant for violation of any ordinance, including the issuing of all subpoenas, one dollar; provided, that when such fee is collected from the defendant or other person for him, such fee shall be * *two dollars.*

(2) For issuing a search warrant, one dollar.

(3) For admitting any person to bail, including the taking of the necessary bond, two dollars, which shall, notwithstanding other provisions to the contrary, be collected at the time of admitting the person to bail, but which shall in no case be paid out of the State treasury.

CHAPTER 279

An Act to amend and reenact § 64-140 of the Code of Virginia, relating to validity of certain conveyances of real estate by foreign executor.
[H 474]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 64-140 of the Code of Virginia be amended and reenacted as follows:

§ 64-140. Every such conveyance of real estate within this State as is mentioned in the preceding section made on or after June * *thirty,* nineteen hundred and * *sixty,* by such executor shall be likewise valid and effectual to pass the title of such real estate if the conditions set forth in the preceding section are complied with and in addition thereto an ancillary administrator upon the estate of such decedent has been duly appointed and qualified *who shall sign and acknowledge the deed by which such real estate is conveyed.*

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CHAPTER 280

An Act to amend and reenact § 46.1-334 of the Code of Virginia, relating to the extension of loads beyond the sides of vehicles.

[H 491]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-334 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-334. No vehicle shall carry any load extending * more than six inches beyond the line of the fender or body * , *provided such load shall not exceed a total outside width as prescribed by § 46.1-328.*

CHAPTER 281

An Act to amend and reenact § 38.1-296 of the Code of Virginia, relating to licensing requirements for certain insurance agents.

[H 499]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-296 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-296. Every individual who desires to obtain a license as an agent to solicit, negotiate or effect any kind of insurance defined and classified in Article 2 of Chapter 1 of this title except life insurance, annuities, accident and sickness insurance, fraternal benefit insurance, mutual assessment fire insurance as defined in Chapter 15 of this title, ocean marine insurance, * title insurance, *and baggage insurance for individuals sold by ticket-selling agents of a railroad or steamship company, carrier by air, or public bus carrier,* shall first obtain a certificate of qualification from the Commission.

CHAPTER 282

An Act to amend and reenact § 14-163.1, as amended, of the Code of Virginia, relating to allowances payable to clerks of counties.

[H 508]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-163.1, as amended, be amended and reenacted as follows:

§ 14-163.1. The governing body of every county is empowered to determine what annual allowances, payable out of the county treasury, shall be made to the county clerk of such county so that, in counties having a population less than ten thousand, the allowance to the county clerk shall not be less than three hundred, nor more than six hundred, dollars; in counties having ten, and less than fifteen, thousand, not less than four hundred, nor more than seven hundred, dollars; in counties having fifteen, and less than twenty, thousand, not less than five hundred, nor more than eight hundred, dollars; in counties having twenty, and less than thirty, thousand, not less than six hundred, nor more than nine hundred,

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dollars; in counties having thirty, and less than forty, thousand, not less than seven hundred, nor more than one thousand, dollars; in counties having forty, but not more than fifty, thousand, not less than one thousand, nor more than fifteen hundred, dollars; and in counties having over fifty thousand, not less than twelve hundred, nor more than fifteen hundred, dollars; provided that the minimum and maximum amounts of the annual allowances to the clerks in the following named counties shall be the amounts in dollars immediately following the names of the counties, to-wit: Accomack: one thousand-fifteen hundred; Albemarle: twelve hundred-fifteen hundred; Arlington: maximum one thousand; Alleghany: seven hundred-fifteen hundred; Amelia: six hundred- * *eighteen* hundred; Appomattox: one thousand-fifteen hundred; Amherst: twelve hundred-two thousand; Bath: seven hundred fifty-seventeen hundred fifty; Bedford: seven hundred-twelve hundred; Bland: four hundred-eight hundred; Botetourt: fifteen hundred-twenty-five hundred; Brunswick: one thousand-fifteen hundred; Buchanan: one thousand-fifteen hundred; Buckingham: one thousand-fifteen hundred; Campbell: one thousand-fourteen hundred; Caroline: eight hundred-two thousand; Carroll: seven hundred-twelve hundred; Charlotte: seven hundred-two thousand; Charles City: six hundred-fifteen hundred; Chesterfield: one thousand-fifteen hundred; Clarke: five hundred-eight hundred; Craig: five hundred-twelve hundred; Culpeper: eight hundred-eighteen hundred; Cumberland: eight hundred-fifteen hundred; Dickenson: one thousand-fifteen hundred; Dinwiddie: six hundred-twelve hundred; Essex: one thousand-two thousand; Franklin: maximum twelve hundred; Fairfax: one thousand-two thousand; Fauquier: one thousand-fifteen hundred; Floyd: three hundred-eight hundred; Fluvanna: five hundred-fifteen hundred; Frederick: seven hundred-one thousand; Grayson: eight hundred-twelve hundred; Greene: five hundred-fifteen hundred; Greensville: eight hundred-twelve hundred; Giles: seven hundred-twelve hundred; Gloucester: seven hundred fifty-twenty-two hundred; Goochland: five hundred-fifteen hundred; Hanover: eight hundred-two thousand; Halifax: fifteen hundred-twenty-five hundred; Henrico: nine hundred-eighteen hundred; Henry: seven hundred-fifteen hundred; Highland: seven hundred fifty-twelve hundred fifty; Isle of Wight: maximum fifteen hundred; James City: eight hundred-fifteen hundred; King and Queen: one thousand-two thousand; King George: seven hundred-fifteen hundred; King William: seven hundred fifty-two thousand; Lancaster: minimum nine hundred; Lee: twelve hundred-fifteen hundred; Loudoun: twelve hundred-sixteen hundred; Lunenburg: six hundred-one thousand; Louisa: seven hundred-twelve hundred; Madison: twelve hundred-two thousand; Mathews: eleven hundred-twenty-two hundred; Mecklenburg: twelve hundred-eighteen hundred; Middlesex: one thousand-twenty-two hundred; Montgomery: seven hundred-twelve hundred; Nansemond: one thousand-fifteen hundred; Nelson: five hundred-twelve hundred; New Kent: six hundred-fifteen hundred; Norfolk: fifteen hundred-twenty-five hundred; Northumberland: seven hundred-fifteen hundred; Northampton: eight hundred-twelve hundred; Nottoway: six hundred-fifteen hundred; Orange: twelve hundred-two thousand; Page: twelve hundred-fifteen hundred; Patrick: seven hundred-twelve hundred; Pittsylvania: eight hundred-one thousand; Powhatan: seven hundred-twelve hundred; Prince Edward: eight hundred-fifteen hundred; Prince George: one thousand-fifteen hundred; Princess Anne: eight hundred-two thousand five hundred; Prince William: one thousand-fifteen hundred; Pulaski: seven hundred-twelve hundred; Rappahannock: eight hundred-fifteen hundred: Richmond: minimum seven hundred; Roanoke: seven hundred-twelve hundred; Rockbridge: seven hundred-fifteen hundred; Rockingham: one thousand-eighteen hundred; Russell: one thousand-fifteen hundred; Scott: one thousand-fifteen hundred; Smyth: twelve hundred-fifteen hundred; Sussex:

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eight hundred-twelve hundred; Spotsylvania: fifteen hundred-two thousand; Surry: one thousand-fifteen hundred; Stafford: one thousand-twelve hundred; Southampton: nine hundred-twenty-five hundred; Tazewell: one thousand-fifteen hundred; Warren: twelve hundred-fifteen hundred; Washington: one thousand-fifteen hundred; Wise: * *eighteen* hundred-twenty-four hundred; Westmoreland: seven hundred-fifteen hundred; Wythe: seven hundred-twelve hundred; York: eight hundred-fifteen hundred.

Provided, further, that none of the provisions of this section shall apply to any county operating under any form of county organization and government provided for in §§ 15-345 to 15-384.

CHAPTER 283

An Act to amend and reenact § 3-619, as amended, of the Code of Virginia of 1950, relating to commercial feed.

[H 513]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 3-619, as amended, of the Code of Virginia of 1950, be amended and reenacted as follows:

§ 3-619. The term commercial feed, as used in this chapter, shall be held to include all * *materials* intended for feeding to animals other than man, except unground hays, whole or ground straws, silage, hulls, cobs and corn stover when the same are not mixed with other materials, nor shall it apply to unmixed, whole crimped, whole rolled or whole flaked seeds; nor to unmixed or unprocessed whole seeds; nor shall it include canned animal foods, *materials intended for feeding to aquatic creatures, or materials intended for feeding to birds, other than wild birds and poultry.*

CHAPTER 284

An Act to amend and reenact § 16.1-92 of the Code of Virginia, relating to removal of certain actions from courts not of record.

[H 518]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-92 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-92. When the amount in controversy in any action at law *except cases of unlawful entry and detainer* in a court not of record exceeds the sum of three hundred dollars, exclusive of interest, attorney's fees contracted for in the instrument, and costs, the judge shall, at any time on or before the return day of the process, or within ten days after such return day, if trial of the case has not commenced or if judgment has not been rendered, upon the application of any defendant, the filing by him of an affidavit of himself, his agent or attorney, that he has a substantial defense to the action, and the payment by him of the costs accrued to the time of removal, the writ tax as fixed by law, and the costs in the court to which it is removed as fixed by subsection (59) of § 14-123, remove the action and all the papers thereof to a court having jurisdiction of appeals from

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the court wherein the action was brought; and the clerk if there be one, or the judge if there be no clerk of the court, shall promptly transmit the papers in the case and the writ tax and costs to the clerk of the court to which the action is removed. If the defendant fails to pay the accrued costs, writ tax, and the costs in the court to which the case is removed at the time the application for removal is filed, the judge shall proceed to try the case.

On the trial of the case in the court of record the proceedings shall conform as nearly as may be to proceedings prescribed by the Rules of Court for other actions at law, but the court may permit all necessary amendments, enter such orders, and direct such proceedings as may be necessary or proper to correct any defects, irregularities and omissions in the pleadings and bring about a trial of the merits of the controversy.

CHAPTER 285

An Act to amend and reenact § 55-130 of the Code of Virginia, relating to validation of certain acknowledgments.

[H 527]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 55-130 of the Code of Virginia be amended and reenacted as follows:

§ 55-130. All certificates of acknowledgment to deeds and other writings taken and certified prior to February * *one,* nineteen hundred * *sixty,* by notaries public residing in foreign countries shall be held, and the same are hereby declared, valid and effective in all respects, if otherwise valid according to the law then in force.

2. An emergency exists and this act is in force from its passage.

CHAPTER 286

An Act to amend the Code of Virginia by adding a section numbered 53-198.1, providing for the jurisdiction of courts as to offenses committed by jail farm prisoners.

[H 566]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 53-198.1 as follows:

§ 53-198.1. Whenever any such farm is situated beyond the limits of the city establishing and maintaining the same, the courts of such city shall have concurrent criminal jurisdiction with the courts of the county or city in which such farm, or any part thereof, is situated of all offenses (a) committed within the boundaries of such farm by persons confined thereto during the terms of their confinements, and (b) as to the offenses of (i) escape, (ii) larceny of or willful damage or destruction of property owned by the city establishing and maintaining such farm, and (iii) offenses against the person or property of any employee of such city, committed en route between such farm and any other point by any person subject to confinement at such farm, while being transported thereto for confinement or being transported therefrom following confinement, the

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courts of such city shall have concurrent criminal jurisdiction with the courts of the county or city in which any such offense is committed.

CHAPTER 287

An Act to amend the Code of Virginia by adding a section numbered 65-10.1, to prescribe the powers and duties of the bailiff of the Industrial Commission.

[H 586]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 65-10.1 as follows:

§ 65-10.1. The bailiff of the Commission shall, in all matters within the jurisdiction of the Commission, have the powers, discharge the functions, and perform the duties of a sheriff or sergeant under the law. He shall preserve order during the public sessions of the Commission, and may make arrests and serve and make return on any writ or process awarded by the Commission, and execute any writ, order, or process of execution awarded upon the findings or judgments of the Commission in any matter within its jurisdiction.

CHAPTER 288

An Act to amend and reenact § 24-68, as amended, of the Code of Virginia, relating to the requirement for application for registration to be in handwriting of applicant.

[H 590]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 24-68, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 24-68. Such applicant, unless physically unable to do so, shall make application to the registrar in his own handwriting, *on a form which may be provided by the registration officer,* without aid, suggestions, or memorandum, * in the presence of the registrar, stating therein his name, age, date, and place of birth, residence, and occupation at the time and for the one year next preceding, and whether he has previously voted and if so, the state, county, and precinct in which he voted last.

CHAPTER 289

An Act to amend and reenact § 38.1-91 of the Code of Virginia, relating to certain requirements for domestic mutual insurance companies to transact business.

[H 593]

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Be it enacted by the General Assembly of Virginia:

1. That § 38.1-91 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-91. No domestic mutual insurance company shall be licensed to transact insurance in this State unless it has a surplus over and above all liabilities of not less than three hundred thousand dollars, nor until it has furnished the Commission a statement under the seal of the company, verified by the president or treasurer or two of its directors, showing the amount of surplus paid in, the amount of actual cash in its treasury, the amount invested in securities with a list of such securities and their cash value, and containing such other information as the Commission requires. In its discretion the Commission may cause an examination of the company to be made to ascertain if it is entitled to such license.

The provisions of this section and § 38.1-93 requiring domestic mutual companies to have and maintain a minimum surplus shall not apply to * mutual assessment fire insurance companies.

CHAPTER 290

An Act to amend and reenact § 38.1-296 of the Code of Virginia, relating to certificates of qualification required of certain agents.

[H 595]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-296 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-296. Every individual who desires to obtain a license as an agent to solicit, negotiate or effect any kind of insurance defined and classified in Article 2 of Chapter 1 of this title except life insurance, annuities, accident and sickness insurance, fraternal benefit insurance, mutual assessment fire insurance * , ocean marine insurance and title insurance, shall first obtain a certificate of qualification from the Commission.

CHAPTER 291

An Act to amend the Code of Virginia by adding a section numbered 38.1-92.1, to provide a method whereby certain mutual insurance companies may effect a voluntary increase in guaranty funds.

[H 597]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 38.1-92.1 as follows:

§ 38.1-92.1. Any domestic mutual insurance company licensed to transact insurance in this State may, in order to increase its guaranty fund when it deems such increase desirable, borrow, with the consent of the Commission first obtained, such funds as are sufficient for the purpose upon an agreement that such sum, with interest at a rate not exceeding six per centum per annum, shall be repaid only out of the company's earned surplus in excess of its minimum surplus required by Chapter 2 of this title. Such agreement shall provide that the company may make such repayment of the advances or loans or any part thereof whenever it shall

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be able to do so in accordance with the requirements of this article. No commission or brokerage shall be paid in acquiring such funds, and no repayment thereof, either in whole or in part, shall be made without the approval of the Commission. Any such sum or sums so advanced or borrowed shall not form a part of the legal liabilities of the company, but until repaid all statements published or filed by the company shall show the amount thereof then remaining unpaid.

CHAPTER 292

An Act to amend and reenact § 38.1-659 of the Code of Virginia, as amended, relating to the definition of "mutual assessment fire insurance" and broadening the same to include § 38.1-7 of the Code of Virginia.

[H 599]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

That § 38.1-659 of the Code of Virginia, as amended, be amended and reenacted as follows:

§ 38.1-659. Definitions—As used in this title, unless the context or subject matter requires otherwise, the following words or terms have the meaning herein ascribed to them, respectively:

(1) *"Mutual assessment fire insurance"* means and includes (a) fire insurance as defined in § 38.1-6, and (b) * *miscellaneous property insurance as defined in § 38.1-7,* * when such insurance is issued as a supplemental or comprehensive contract in connection with a fire insurance policy; but in order for such insurance to constitute "mutual assessment fire insurance" it must be written by a mutual assessment fire insurance company as herein defined, and must cover only the kind or classes of property authorized by this chapter to be insured by such companies.

(2) *"Mutual assessment fire insurance company"* means a company organized without capital stock and operating under the provisions of this chapter for the benefit of its members, which pays its losses solely from assessments upon its members, which confines its business to this State, and which transacts only mutual assessment fire insurance as herein defined.

(3) *"Windstorm insurance"* as used in this chapter means and includes insurance against loss or damage including loss of rents, use and occupancy, and miscellaneous or consequential damage caused directly or indirectly by windstorm, tornado, or cyclone.

CHAPTER 293

An Act to amend and reenact § 38.1-378 of the Code of Virginia, relating to certain exemptions from laws applicable to fire insurance policies.

[H 600]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-378 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-378. The provisions of this article shall not apply to mutual assessment fire insurance companies *, or to mutual insurance companies

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and associations organized under the laws of this State, conducting business only in this State, and issuing only policies providing for perpetual insurance. The provisions of this article shall not apply to marine insurance and motor vehicle and aircraft insurance as defined in this title, nor to contracts of reinsurance.

CHAPTER 294

An Act to amend and reenact § 38.1-44, as amended, of the Code of Virginia, relating to assessment for expense of administration of insurance laws.

[H 601]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-44, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 38.1-44. The expense of maintaining the division or bureau of the Commission established to administer the insurance laws of the State shall be assessed annually by the Commission against all insurance companies, except fraternal benefit societies * doing business in this State in proportion to their respective direct gross premiums on business done in this State. Such assessment shall be in an amount not exceeding one-tenth of one per centum of such direct gross premiums, and shall be apportioned, assessed and paid as prescribed * *by* § 38.1-45, except that in any year in which a company has no direct gross premium income, or in which its direct gross premium income is insufficient to produce at the rate of assessment prescribed by law an amount of contribution equal to or in excess of twenty dollars, there shall be so apportioned and assessed against such company a contribution in the amount of twenty dollars.

As used in this article the words "direct gross premiums" shall mean the gross amount of all premiums, assessments, dues and fees collected, received or derived, or obligations taken therefor, from business in this State during each year ending the thirty-first day of December, excluding premiums received for reinsurance assumed from licensed insurance companies, without any deduction for dividends paid or deduction on any other account except for premiums returned on cancelled policies, or on account of reduction in rates or reduction in the amount insured. In computing direct gross premiums on insurance issued by mutual companies other than life companies, refunds or returns made to policyholders otherwise than for losses may be deducted.

CHAPTER 295

An Act to amend and reenact § 15-250, as amended, of the Code of Virginia, relating to borrowing by counties to meet casual deficits.

[H 609]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-250, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-250. For the purpose of meeting casual deficits in the revenue,

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or creating a debt in anticipation of the collection of the revenue of the county, the board is hereby authorized to borrow not earlier than * *February* first of any year a sum of money not to exceed one-fourth of the amount produced by the county levy laid in such county for the year in which the loan is negotiated; provided, however, that in all counties having a density of population in excess of five hundred inhabitants per square mile, as shown by the United States census of nineteen hundred thirty, the board may borrow not earlier than January fifteenth of any year a sum of money not to exceed three-fourths of the amount which it is reasonably anticipated will be produced by the county levy laid or to be laid in any such county for the year in which the loan is negotiated, and in counties having the form of county organization and government as provided under article 2 of chapter 11 of this title, and having a population in excess of seventy-five thousand inhabitants, the board may borrow not earlier than January fifteenth of any year a sum of money not to exceed one-half of the amount which it is reasonably anticipated will be produced by the county levy laid or to be laid in any such county for the year in which the loan is negotiated. For the purposes of fixing the density of population in any such county for the purposes of this section the number of square miles in such county embraced within the limits of any government reservation situate therein, where the property is not subject to State and local taxation and where the inhabitants are not enumerated as residents of the county in such census, shall be deducted from the total square miles within the geographical limits of such county and the density of population shall be determined by dividing the remaining square miles of such county into the total population shown by such census.

Provided, further, that any county with a population of not less than thirty-three thousand seven hundred and not more than thirty-four thousand according to the last preceding decennial census is hereby authorized to borrow after February first of any year a sum of money not to exceed three-fourths of the amount which it is reasonably anticipated will be produced by the county levy laid or to be laid in any such county for the year in which the loan is negotiated.

CHAPTER 296

An Act to amend and reenact § 13.1-204, as amended, of the Code of Virginia, relating to purpose of formation of nonstock corporations.

[H 628]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-204, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 13.1-204. Corporations may be organized under this Act for any lawful purpose or purposes, unless a statute requires the corporation to issue shares or unless one of the purposes is to conduct the business of a transportation or transmission company or of a gas, electric light, heat or power company or to furnish water *.

CHAPTER 297

An Act to amend and reenact § 65-49, as amended, of the Code of

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Virginia, relating to limitation upon claim for compensation in occupational disease cases.

[H 641]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 65-49, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 65-49. The right to compensation under this chapter shall be forever barred unless a claim be filed with the Industrial Commission within one year after * a diagnosis of * *an occupational* disease is first communicated to * *the employee;* and, if death results from the occupational disease within said one year period, unless a claim therefor be filed with the Commission within one year after such death. The limitations imposed by this section as amended shall be applicable to occupational diseases contracted before and after * *the effective date hereof.*

CHAPTER 298

An Act to amend and reenact § 65-66 of the Code of Virginia, relating to termination of dependency in workmen's compensation cases.

[H 650]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 65-66 of the Code of Virginia be amended and reenacted as follows:

§ 65-66. For the purpose of this Act, the dependence of a widow or widower of a deceased employee shall terminate with legal or common-law remarriage, and the amount to be received by him or her shall be divided among the children or other dependents in the proportion in which they are receiving compensation, and the dependence of a child *or any minor dependent,* except a child *or minor dependent* physically or mentally incapacitated from earning a livelihood, shall terminate with the attainment of eighteen years of age, or upon earlier marriage of a female child.

CHAPTER 299

An Act to amend and reenact § 65-90, as amended, of the Code of Virginia, relating to agreement to pay compensation under the Workmen's Compensation Act.

[H 651]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 65-90, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 65-90. If after ten days from the date of injury, or at any time in case of death, the employer and the injured employee or his dependents reach an agreement in regard to compensation *or in compromise of a claim for compensation* under this Act, a memorandum of the agreement in the form prescribed by the Industrial Commission shall be filed with the Commission for approval, and if approved, the same shall be *binding, and an*

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award of compensation entered upon such agreement shall be for all purposes enforceable by the court's decree as elsewhere provided in this Act, and if not approved, the same shall be void. Such agreement may be approved only when the Commission, or * *any member* thereof, is clearly of the opinion that the best interests of the employee or his dependents will be served thereby; and approval of such agreement shall bind infant or incompetent dependents affected thereby. Any agreement entered into during the pendency of an appeal to the Supreme Court of Appeals shall be effective only with the approval of the Commission as herein provided.

CHAPTER 300

An Act to amend the Code of Virginia by adding a section numbered 13.1-242.1, to provide for merger or consolidation of foreign and domestic nonstock corporations.

[H 657]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 13.1-242.1 as follows:

§ 13.1-242.1. One or more foreign corporations and one or more domestic corporations may be merged or consolidated if such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized. Each domestic corporation shall comply with the provisions of this Act with respect to the merger or consolidation, as the case may be.

The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be a domestic corporation of this State, whether or not it is also to be a domestic corporation of another state. If the surviving or new corporation is to be a foreign corporation and not a domestic corporation, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except in so far as the laws of such other state provide otherwise.

No corporation that is required by law to be a domestic corporation may, by merger or consolidation, cease to be a domestic corporation, but every such corporation, even though a corporation of some other state, the United States or another country, shall also be a domestic corporation of this State.

CHAPTER 301

An Act to amend and reenact § 8-169 of the Code of Virginia, relating to approval of compromises on behalf of infants or insane persons in suits to which they are parties.

[H 670]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-169 of the Code of Virginia be amended and reenacted as follows:

§ 8-169. In any action or suit wherein an infant, idiot or lunatic is a party, the court in which the same is pending shall have the power to

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approve and confirm a compromise of the matters in controversy on behalf of such infant, idiot, or lunatic, *including claims under the provisions of an automobile insurance policy,* if such compromise shall be deemed to be to the interest of the infant, idiot or lunatic; and any order or decree approving and confirming any such compromise shall be binding upon such infant, idiot or lunatic, except that the same may be set aside for fraud; and any such infant shall not be allowed to attack and set aside any such order or decree, unless he shall proceed to do so within six months after coming of age.

CHAPTER 302

An Act to amend and reenact § 8-170 of the Code of Virginia, relating to compromise of claims for personal injury to infants, idiots, or insane persons.

[H 672]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-170 of the Code of Virginia be amended and reenacted as follows:

§ 8-170. In any case of personal injury to an infant, idiot, or insane person, caused by the wrongful act, neglect or default of any person or corporation, when death did not ensue, the parents, or one parent if the other be dead, or one parent if the custody of such infant has been awarded to such parent by order of any court, or guardian of such infant or the committee of such *idiot or* insane person, with the approval of the judge of the court wherein an action might be brought for the recovery of damages on account of such injury, may compromise any claim for such damages, *including any claim under the provisions of an automobile insurance policy.* Such approval may be applied for by such parent or parents or guardian of such infant or the committee of such idiot or insane person, or * the person who caused the injury, *or by the insurance carrier issuing such policy,* on petition to such judge, in term or vacation, stating the compromise, the terms thereof, and reasons therefor, and convening the parties. In case such petition is filed by the person who caused the injury *or such insurance carrier,* the judge shall appoint a guardian ad litem for such infant, idiot or insane person and shall cause the parents or guardian of such infant, if such there be within the jurisdiction of the court, or the committee of such insane person or idiot if such there be, to be made parties to the proceedings. The proceedings on any such petition, the effect thereof, and the disposition of the papers in the case, when the proceeding is in vacation, shall be in accordance with the applicable provisions of § 8-169 and § 8-639, provided that nothing in this section shall be construed to affect the provisions of § 8-169 or § 8-685.

CHAPTER 303

An Act to add a new section to the Code of Virginia known as 8-477.1, relating to the posting of bond by a garnishee or other person indebted to a person against whom a judgment has been obtained pending an appeal to the Supreme Court of Appeals.

[H 694]

Approved March 15, 1960

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Be it enacted by the General Assembly of Virginia:

1. That a new section be added to the Code of Virginia and be known as § 8-477.1 as follows:

§ 8-477.1. In any case pending an appeal or other action in the Supreme Court of Appeals of Virginia from a judgment secured in a trial court, a garnishee or other person indebted to or who is claimed to be indebted to a person appealing to, or filing a petition for writ of error to, or who may appeal or file such petition, to the Supreme Court of Appeals of Virginia, may post a bond in the trial court where such judgment was obtained with surety approved by the Clerk of such trial court and fixed by the trial court in an amount sufficient to pay the principal amount owed or claimed to be owed by the said garnishee or other person indebted to such party appealing or seeking a writ of error, together with interest and conditioned to pay any final judgment against such garnishee or other person for such debt or claimed debt, and upon posting of such bond all proceedings against such garnishee or other person shall be stayed in the trial court pending final action by the Supreme Court of Appeals on such appeal or writ of error.

CHAPTER 304

An Act to require persons possessing, storing or using radiation machines and radioactive materials to register with the State Health Department, and to provide penalties for violations.

[S 28]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. As used in this act:

(a) "Radiation" means and includes alpha, beta and gamma rays, X-rays, high speed electrons, neutrons, high speed protons and other atomic particles, but does not mean or include sound or radio waves, or visible, infrared or ultraviolet light;

(b) "Radiation machine" means any device that produces, or is capable of producing radiation;

(c) "Radioactive material" means any material that emits radiation spontaneously; and

(d) "Person" means any person, firm or corporation, and any political subdivision, institution or agency of the State.

§ 2. It shall be unlawful for any person to possess, store or use any radiation machine or radioactive material, other than a machine or material which is placed by any law of the United States under the jurisdiction or control of the Atomic Energy Commission and is under license by that Commission, unless such person shall register the same with the State Health Department. Such registration shall be on forms provided by the State Health Commissioner and the person registering such machines or material shall set forth, as to any machine, the type of such machine, the amount of radiation which it produces or is capable of producing, the use to which such machine is put, and the protective measures employed in connection therewith; and as to any radioactive material, the type and quantity of such material, the amount of radiation emitted by such material, the use to which such material is put, the manner in which it is stored, and the protective measures employed in connection therewith.

§ 3. This act shall not apply to:

(a) Electrical or electronic equipment operated at voltages less than

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twenty-five kilovolts, which are not primarily intended to produce radiation;

(b) Domestic television receivers;

(c) Radioactive material in quantities less than those which are generally licensed by the Atomic Energy Commission under Parts 30 and 40 of Title 10 of the Code of Federal Regulations in force on January one, nineteen hundred sixty; or

(d) All naturally occurring radioactive substances except the following:

(1) Radium, in quantities which emit, from unsealed sources, more than one-tenth microcurie of radiation, or from sealed sources, more than one microcurie of radiation.

(2) Thallium in quantities which emit from unsealed or sealed sources more than fifty microcuries.

(3) Polonium in quantities which emit from unsealed sources more than one-tenth microcurie of radiation or from sealed sources more than one microcurie of radiation.

§ 4. Any person failing or refusing to register with the State Health Department as required by this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten nor more than one hundred dollars.

CHAPTER 305

An Act to amend and reenact §§ 32-220 and 32-222 of the Code of Virginia, relating to commissioners of hospital authorities generally and commissioners of authority which includes nonprofit or charitable hospitals.

[S 50]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 32-220 and 32-222 of the Code of Virginia be amended and reenacted as follows:

§ 32-220. An authority shall consist of * *not more than fifteen* commissioners appointed by the mayor and he shall designate the first chairman. At least * *two-thirds* of the commissioners shall be residents of the city; * *five* of the commissioners may be residents of any adjacent *city,* county or counties. No practicing physician nor any officer or employee of the city shall be eligible for appointment.

One-third of the commissioners who are first appointed shall be designated by the mayor to serve for terms of two years, one-third to serve for terms of four years, and one-third to serve for terms of six years, respectively, from the date of their appointment. Thereafter, the term of office shall be six years. No person shall be appointed to succeed himself following * *four* successive terms in office *but no term of less than six years shall be deemed a term in office for the purposes of this sentence.*

A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. In the event of a vacancy or vacancies in the membership of the board by expiration of term of office or otherwise, the remaining members of the board shall submit to the mayor nominations for appointments. The mayor may successively require any number of additional nominations, and shall have power to appoint any person so nominated. All such vacancies shall

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be filled from such nominations. A majority of the commissioners shall constitute a quorum. The mayor may file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioners. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

§ 32-222. In the event that the authority and the trustees, directors or managers of any nonprofit or charitable hospital in a city should thereafter agree upon and consummate a transaction whereby the nonprofit or charitable hospital should thereafter be included within the hospital project or projects of the authority, then the number of commissioners of such authority shall be increased * *to not exceeding fifteen* and the * additional commissioners shall be appointed by the mayor from nominations of the commissioners then in office, and the terms of the * additional commissioners shall be arranged by the mayor in making such appointments as follows:

The terms of one-*third of the* * commissioners shall * expire * *in two years or less, one-third in four years or less, and one-third in six years or less, concurrently with the expiration of the terms* of the commissioners then in office. *

2. An emergency exists and this act is in force from its passage.

CHAPTER 306

An Act to amend and reenact § 15-707, as amended, of the Code of Virginia, relating to acquiring dumps for waste material in counties, the amount of acreage that may be used and forbidding dumping elsewhere.

[S 64]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-707, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-707. The governing bodies of counties are authorized in their discretion to acquire by lease, gift, purchase or condemnation, land in each or any magisterial district for the purpose of providing a dumping place for waste material including abandoned automobiles. The area in any magisterial district, except in the counties of Albemarle, *Princess Anne,* Amherst, Nelson, *Roanoke* and Augusta is limited to three acres and no waste material shall be deposited in any such dump of a liquid or fluid character. In the counties of Albemarle, *Princess Anne,* Amherst, Nelson, *Roanoke* and Augusta the area in any magisterial district shall not exceed fifteen acres *in any one magisterial district except that such area may exceed fifteen acres if all acreage acquired and used in such county does not exceed the total of fifteen acres per magisterial district of such county.* No deleterious substance, which might be or become a nuisance to adjoining property, shall be deposited on such dumps nor any waste material from manufacturing or industrial plants. The governing bodies of counties are vested with the power of eminent domain insofar as the exercise of such power is necessary for the acquisition of lands for the purposes of this section and in the exercise of such power are vested with such powers and rights as are or which may hereafter be vested by law in the governing bodies of counties and the procedure in such condemnation suit or pro-

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cedure shall be under the restrictions provided by the general statutes of this State relative to the condemnation of land so far as the same may be applicable and are not in conflict with provisions of this section. *All actions heretofore taken by the governing body of any county are hereby validated notwithstanding that the acreage exceeded the limits of this section.*

In any county or any magisterial district thereof in which a dump for waste material has been established as described above, it shall be unlawful to dump any such waste material including abandoned automobiles except with the written consent of the owner of the land. Any person dumping any waste material including abandoned automobiles, except on public dumps or with the written consent of the landowner, in any county in which such a dump has been established shall be guilty of a misdemeanor and punished accordingly.

2. An emergency exists and this act is in force from its passage.

CHAPTER 307

An Act to amend and reenact § 1-13.35 of the Code of Virginia, relating to the meaning of the term "population" and to when the census of nineteen hundred sixty shall become effective as to population classifications in statutes.

[S 68]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1-13.35 of the Code of Virginia be amended and reenacted as follows:

§ 1-13.35. In order to avoid uncertainty and provide for the uniform application of the results of the census of nineteen hundred * *sixty*, this section shall apply in all cases except as specified in this section and § 1-13.36.

As used in the Acts of Assembly and Code of Virginia, the term population shall mean population as of the last preceding United States Census; provided that as to the Census required for nineteen hundred * *sixty*, the populations which shall be shown therein shall not apply to any such act or section of the Code until June thirty, nineteen hundred * *sixty-two* or until the * *Auditor of Public Accounts shall, after determination of the finality of the census enumeration, certify* such population classifications to the governing bodies of the several counties, cities and towns, whichever first occurs.

CHAPTER 308

An Act to provide for the removal and reinterment of remains which may be interred upon land to be acquired by the State Highway Commissioner for highway purposes.

[S 129]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Whenever it becomes necessary for the State Highway Commissioner to acquire land or other interest therein, for the purposes set

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forth in Title 33 of the Code, and such land to be acquired is a part or the whole of a cemetery or graveyard owned by any person, church, association, corporation, or any other legal entity, which has the legal authority to make disposition of the same, the State Highway Commissioner may enter into agreements with such person, church, association, corporation, or other legal entity, for the removal of any remains which may be interred upon the land. Such agreement shall provide for reinterment in some suitable repository.

§ 2. In the event no agreement can be reached as provided hereinabove, or whenever such land is a part or the whole of a cemetery or graveyard owned by persons unknown, or by any person, church, association, corporation, or other legal entity, not having legal authority to make disposition of the same, the State Highway Commissioner shall petition the court of the city or county in which the land is situate, and in which condemnation proceedings are instituted to acquire land, for the purpose of condemning such land and having the remains interred in such cemetery or graveyard removed to some suitable repository. To such petition the owner or owners of the land and next of kin to the persons interred therein, if known, shall be made defendants and served with notice. If such owner or owners and next of kin be unknown, or infant, insane or incompetent, or nonresident of this State, such notice shall be served in the manner prescribed by § 33-61 of the Code.

§ 3. The contents of such petition shall comply with all statutory requirements prescribed for the exercise of the power of eminent domain by the State Highway Commissioner, and shall contain the reasons why it is practical to acquire such land and remove any remains which may be interred therein.

§ 4. The trial court shall determine a suitable repository for reinterment and the manner in which the removal and reinterment is to be undertaken, and shall tax the cost and expense of such removal and reinterment against the State Highway Commissioner. Insofar as possible and reasonable, the court shall consider the wishes of the next of kin of those interred in such graves in making the determination as to a suitable repository and manner of removal and reinterment. All other proceedings in the condemnation of such land and the determination of just compensation for such taking and damages suffered shall be conducted in accordance with the statutes made and provided for the exercise of the power of eminent domain by the State Highway Commissioner.

CHAPTER 309

An Act to amend and reenact § 15-901, as amended, of the Code of Virginia, relating to the composition and terms of office of municipal planning commissions, so as to authorize either the mayor or the council to appoint the members of such commission in certain cities.

[S 145]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-901, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-901. The number of members of the planning commission of a municipality shall be specified by the council in the ordinance creating the commission, which number shall be not less than five nor more than * *fifteen; provided, however, that in any city having a population of more*

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than ninety thousand but less than two hundred thousand, said ordinance may authorize either the mayor or the council to appoint the members of the commission. One of the members may be a member of the council, and not more than three members may be administrative officials of the municipality appointed by the Mayor; provided, however, that the number of such ex officio members, including the councilmanic member, if there be one, shall be a minority of the total membership of the commission. The remaining members, hereinafter referred to as appointed members, shall be qualified voters of the municipality appointed by the mayor. All members of the commission shall serve as such without compensation, and the appointed members shall hold no other municipal office except that one of each such appointed members may be a member of the zoning board of appeals. The terms of ex officio members shall correspond to their respective official tenures. Provision shall be made in the ordinance creating such commission for the terms of office of the appointed members, the length of which terms shall not be less than four years or more than six years, for the removal after public hearing of any appointed member for inefficiency, neglect of duty or malfeasance in office and for the filling of vacancies.

2. An emergency exists and this act is in force from its passage.

CHAPTER 310

An Act to amend and reenact § 65-85, as amended, of the Code of Virginia, relating to medical attentions in workmen's compensation cases.

[S 146]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 65-85, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 65-85. For a period not exceeding sixty days after an accident the employer shall furnish or cause to be furnished, free of charge to the injured employee, such necessary medical attention as the nature of the accident may require, and the employee shall accept, and during the whole or any part of the remainder of his disability resulting from the injury, the employer may, at his own option, continue to furnish or cause to be furnished, free of charge to the employee, and the employee shall accept, an attending physician, unless otherwise ordered by the Industrial Commission, and in addition, such surgical and hospital service and supplies as may be deemed necessary by the attending physician or the Industrial Commission. When, in the judgment of the majority of the Industrial Commission, the facts require a reasonable extension of such medical attention beyond such period of sixty days, such majority of the Commission may, in its discretion, require the employer to furnish free of charge to the injured employee such medical attention for a reasonable time after the termination of the sixty-day period, but not in excess of * *two* years including such period of sixty days.

The refusal of the employee to accept such service when provided by the employer shall bar the employee from further compensation until such refusal ceases and no compensation shall at any time be paid for the period of suspension unless, in the opinion of the Industrial Commission, the circumstances justified the refusal. In any such case the Industrial Commission may order a change in the medical or hospital service.

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If in an emergency on account of the employer's failure to provide the medical care during the period herein specified, or for other good reasons, a physician other than provided by the employer is called to treat the injured employee, during said period, the reasonable cost of such service shall be paid by the employer if ordered so to do by the Industrial Commission.

CHAPTER 311

An Act to amend and reenact § 14-155, as amended, of the Code of Virginia, relating to compensation of certain fee officers.

[S 151]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-155 of the Code of Virginia be amended and reenacted as follows:

§ 14-155. The total annual compensation, exclusive of expenses authorized by the State Compensation Board, of any officer mentioned in § 14-145 shall not exceed the sums hereinafter named, to-wit:

In cities or counties having a population of one hundred thousand or more, such compensation shall not exceed the sum of seventy-five hundred dollars per annum; with a population between thirty-eight thousand and forty thousand such compensation shall not exceed eight thousand five hundred dollars per annum; with a population between fifty thousand and one hundred thousand and in counties adjoining cities having a population of fifty thousand or more, such compensation shall not exceed seven thousand dollars per annum; with a population between twenty-five thousand and fifty thousand, such compensation shall not exceed six thousand seven hundred fifty dollars per annum; with a population between fifteen thousand and twenty-five thousand, such compensation shall not exceed sixty-five hundred dollars per annum; and with a population of fifteen thousand or less, such compensation shall not exceed four thousand five hundred dollars per annum except in cities of the first class in which it shall not exceed five thousand dollars per annum exclusive of any compensation allowed by the respective city councils; and provided, however, that in determining the compensation allowed to any such officer hereunder any compensation allowed to such officer by his city council or county board of supervisors, other than commissions allowed by State law for the discharge of any duties imposed upon such officer by the council of the city, board of supervisors of the county, or laws of this State shall be disregarded to the extent of: (a) not more than five thousand dollars in cities having a population of two hundred thousand or more and in counties adjoining cities having a population of two hundred thousand or more, (b) not more than twenty-five hundred dollars in cities or counties having a population between fifty thousand and two hundred thousand and in counties adjoining cities having a population between fifty thousand and two hundred thousand, (c) not more than fifteen hundred dollars in cities and counties with a population between twenty-five thousand and fifty thousand, and (d) not more than one thousand dollars in cities and counties with a population of twenty-five thousand or less. Provided that when, in any city having a population in excess of one hundred thousand, any person serves as clerk of more than one court of record in such city he shall annually receive, in addition to the compensation to which he is entitled as clerk of any court of record in such city, not to exceed one thou-

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sand dollars additional for each other such court of which he is clerk. Provided that in any county having a population of more than twenty-nine thousand but less than twenty-nine thousand seven hundred such compensation shall not exceed six thousand five hundred dollars. Provided, further, that in any county having a density of population in excess of four thousand persons to a square mile or in any county or city adjoining such county, or in any city having more than two hundred thousand population, any person who serves as clerk of any court of record having two or more regularly appointed or elected judges and/or serves as clerk of more than one court, whether the same be a court of record or otherwise, he shall receive annually, in addition to the compensation to which he is entitled as court clerk in such county or city not to exceed one thousand dollars additional for each judge, in excess of one, of a court of record for which he acts as clerk and one thousand dollars additional for each other statutory court of which he is clerk, whether the same be a court of record or otherwise. Provided, further, that in any county having a population in excess of ninety-nine thousand and containing an even number of magisterial districts, such compensation shall not exceed eight thousand five hundred dollars. *Provided, further, that in any county having a population in excess of sixty thousand and adjoining three cities lying wholly within this State and having a combined population in excess of three hundred thousand such compensation shall not exceed eight thousand five hundred dollars.*

Nothing herein shall be construed to alter or affect in any manner the increases heretofore provided and now in effect.

CHAPTER 312

An Act to amend and reenact §§ 1, 2, and 5 of Chapter 230 of the Acts of Assembly of 1950, approved March 15, 1950, relating to the powers of certain counties concerning sewers, sidewalks, curbs and gutters.

[S 185]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 1, 2, and 5 of Chapter 230 of the Acts of Assembly of nineteen hundred fifty, approved March fifteen, nineteen hundred fifty, be amended and reenacted as follows:

§ 1. In addition to such powers as are delegated to the governing bodies of counties, the governing body of any county having a population greater than two thousand inhabitants per square mile shall have the following powers with respect to the assessment of abutting property owners for the construction of sewers, or *curbs, gutters and* sidewalks; the governing body of any such county may, by appropriate resolution, determine to construct a system of sewer main and lateral lines or *curbs, gutters and* sidewalks in and through the county, which system shall constitute a single project. By such resolution, the governing body shall fix upon an amount which shall be determined and declared therein to be not in excess of the peculiar benefits accruing to the abutting property; and which shall be uniformly assessed against each front foot of property abutting on lines, or *curbs, gutters and* sidewalks, within the project, or abutting on streets or rights of way in which the said lines, or *curbs, gutters and* sidewalks, are located. No notice shall be required to be given of the adoption of such resolution. The governing body may, from time

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to time, as in its determination, the public interest may require, upon further similar resolution, extend the system by the construction or reconstruction of additional sewer lines, or *curbs, gutters and* sidewalks in which case the lines, or *curbs, gutters and* sidewalks, determined in such resolution to be constructed or reconstructed shall constitute a further single project and abutting property thereon shall be subject to a uniform front foot assessment, to be levied and collected in the manner herein specified.

§ 2. The governing body of such county shall have the further power to exempt from such assessment, land which may be owned by any political subdivision, or which may not derive the required peculiar benefit from the construction of the sewer line, or *curbs, gutters and* sidewalks, on which such land abuts; or it may defer the assessment of such land until it shall appear that the land in question has become so peculiarly benefited.

§ 3. Whenever the amount proposed to be assessed against each landowner has been ascertained, all further proceedings as to notice of hearing or appeal shall be as determined by Chapter 20 of Title 15 of the Code of 1950 excepting as hereinafter otherwise provided.

§ 4. When such assessment has finally been established, the amount thereof, a brief description of the property assessed, and the name of the owner of record thereof, shall be certified by the governing body to the treasurer of the county, who shall collect the same and be accountable therefor, as in the case of other county taxes. Upon default in the payment of such amount, or any installment thereof, the land shall not be sold as in the case of general land taxes which have become delinquent, but in lieu thereof the treasurer may institute, in his own name, appropriate proceedings to enforce the payment thereof. From the date that the assessment has been certified to the treasurer, such amount shall be a lien upon the property thereby affected, which lien shall have priority over all other liens except that of county taxes regularly assessed. The treasurer shall maintain in his office, a firmly bound book, or books, wherein he shall cause to be recorded, immediately upon receipt of the certificate thereof, the name of the owner of each parcel of land against which such an assessment has been levied, a brief description of the land affected thereby, and the amount of the assessment thereon. He shall, likewise, record in such book any payment of, or on account of, the assessment, immediately upon receipt thereof; and upon the written request of any person, which request shall designate the parcel of land and the name of the owner thereof, the treasurer shall issue his certificate showing the amount of principal and interest then unpaid on the assessment against such parcel of land.

§ 5. The governing body of any such county is hereby vested with the power of eminent domain insofar as may be necessary for the construction, reconstruction, alteration, maintenance and repair of any part of such a sewerage system, or *curb, gutter and* sidewalk system, and in the exercise of such power is hereby vested with all of the authority to exercise such power as is given to the State Highway Commissioner of Virginia by Article 5 of Chapter 1 of Title 33 of the Code of 1950, except that the enhancement, if any, in value of the remaining property of the landowner by reason of the construction of any sewer line contemplated or made by such board shall not be shown as an offset against the damage, if any, resulting to such remaining property of such landowner by reason of such construction; nor shall the taking of any such property under the provisions of such article preclude the board from assessing the land abutting on such sewer line, in the same manner and to the same extent, that other property may be assessed under the provisions of this act.

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§ 6. If any part or parts, section, subsection, sentence, clause or phrase of this act is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act, which shall remain in force as if such act had been passed with the unconstitutional part or parts, section, subsection, sentence, clause or phrase thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part or parts, section, subsection, sentence, clause or phrase had not been included herein.

2. An emergency exists and this act is in force from its passage.

CHAPTER 313

An Act to amend and reenact § 15-764.10 of the Code of Virginia, relating to joinder and withdrawal from authority by political subdivisions and powers of such authority.

[S 196]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-764.10 of the Code of Virginia be amended and reenacted as follows:

§ 15-764.10. * *Any political subdivision may become a member of any existing authority, and any political subdivision which is a member of an existing authority may withdraw therefrom,* but no political subdivision shall be permitted to withdraw from any authority after any obligation has been incurred by the authority.

Any political subdivision wishing to withdraw from or to become a member of an existing authority shall signify its desire by resolution or ordinance. If the authority shall by resolution express its consent to such withdrawal or joining, the governing bodies of the withdrawing or joining political subdivision shall cause a notice of its resolution or ordinance to be published at least one time in a newspaper of general circulation in such political subdivision. Such notice shall contain a brief statement of the substance of the resolution or ordinance, making reference to this chapter, and shall state that on a day certain, not less than ten days after publication of the notice, an application to withdraw from or to become a member of the authority as the case may be, will be filed with the State Corporation Commission.

On or before the day specified in the notice the governing body or governing bodies shall file such application with the State Corporation Commission, together with proof of publication of the notice hereby required. In the case of a political subdivision seeking to become a member of the authority, the application shall set forth all of the information required in the case of original incorporation in so far as it applies to the incoming political subdivision, including the name and address and term of office of the first member of the board of the authority from the incoming political subdivision. The application in all cases shall be executed by the proper officers of the withdrawing or incoming political subdivision under its official seal, and shall be joined in by the proper officers of the governing body of the authority, and in the case of a political subdivision seeking to become a member of the authority also by the proper officers of each of the political subdivisions that are then members of the authority, pursuant to resolutions by the governing bodies of such political subdivisions.

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If the State Corporation Commission finds that the application conforms to law it shall, forthwith, but not prior to the day specified in the notice endorse approval thereon, and when all proper fees and charges have been paid, shall file the same and issue a certificate of withdrawal, or a certificate of joinder, as the case may be, to which shall be attached a copy of the approved application. The withdrawal or joining shall become effective upon the issuing of such certificate.

CHAPTER 314

An Act to amend and reenact § 16.1-176, as amended, of the Code of Virginia, relating to offenses committed by juveniles.

[S 200]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-176, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 16.1-176. (a) If a child fourteen years of age or over is charged with an offense which, if committed by an adult, could be punishable by confinement in the penitentiary the court after an investigation as prescribed in paragraph (b) of this section, and hearing thereon may, in its discretion, retain jurisdiction or certify such child for proper criminal proceedings to the appropriate court of record having criminal jurisdiction of such offenses if committed by an adult; provided, however, that in the event the juvenile court does not so certify a child fourteen years of age or over, charged with an offense which, if committed by an adult, would be punishable by death or confinement in the penitentiary for life or a period of twenty years or more, the Commonwealth's attorney of the city or county, if he deems it to the public interest, may present the case to the grand jury of the proper court of record, and provided further that if a child fourteen years of age or older who has previously been adjudged to come within the purview of the juvenile and domestic relations court law for committing an offense indicating a viciousness of character, or an offense which, if committed by an adult, could be punishable by confinement in the penitentiary and is subsequently charged with committing a felony, the Commonwealth's attorney of the city or county, if he deems it to be in the public interest, may, after a preliminary hearing in the juvenile and domestic relations court, present the case to the grand jury of the proper court of record. It shall be the duty of the Commonwealth's attorney to notify the juvenile and domestic relations court within three days *after final adjudication* if he deems action by the court of record necessary. Thereafter, the decision as to whether or not to present the case to the grand jury shall be in the sole discretion of the juvenile and domestic relations court. If the grand jury returns a true bill upon such indictment the jurisdiction of the juvenile court as to such case shall terminate. If a child fourteen years of age or over is charged with an offense, which, if committed by an adult, could be punishable by confinement in the penitentiary and such child is a fugitive from justice, then the juvenile and domestic relations court may nevertheless certify such child for proper criminal proceedings to the appropriate court as above provided. In no case shall any child under the age of fourteen be so certified, nor shall any such child be indicted or tried under the criminal laws of this State. The ages specified in this section refer to the age of the child or minor at the time of the alleged commission of the offense.

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(b) In all cases under this section the court * *may,* unless such information is otherwise available to it from a prior investigation and report to another court, require an investigation of the physical, mental and social condition and personality of the child or minor and the facts and circumstances surrounding the violation of the law which is the cause of his being before the court. Such investigation need not include an examination of the child or minor by a physician or psychiatrist unless the court, in its discretion, so directs. If the court requiring the investigation is a juvenile court, such investigation may be made by the agency providing probation service under § 16.1-205; if the court requiring the investigation is a court of record, such investigation may be made by the officer provided for in § 53-243. Provided, however, if *an investigation and report has been made* * by the juvenile court and the results thereof certified to a court of record, the latter need not order such investigation.

CHAPTER 315

An Act to amend and reenact § 56-304.11 of the Code of Virginia, relating to penalty for failure to carry required warrant, exemption card or registration card, so as to provide a penalty for improper use of warrants, exemption cards, registration cards, classification plates and identification markers.

[S 205]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 56-304.11 of the Code of Virginia be amended and reenacted as follows:

§ 56-304.11. Any person who operates or causes to be operated on any highway in Virginia any motor vehicle that does not carry the warrant, exemption card or registration card that this article requires it to carry, or any motor vehicle that does not display in such manner as is prescribed by the Commission the classification plate or identification marker that this article requires it to display, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten nor more than two hundred dollars.

Any person who knowingly displays or uses on any vehicle operated by him any classification plate, identification marker or assigned number which has not been issued to the owner or operator thereof for such vehicle and any person who knowingly assists him to do so shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars.

CHAPTER 316

An Act to amend and reenact § 2 of Chapter 139 of the Acts of Assembly of 1946, approved March 9, 1946, relating to investment and expenditure of funds held by the trustees of Margaret Academy.

[S 225]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2 of Chapter 139 of the Acts of Assembly of 1946, approved March 9, 1946, be amended and reenacted as follows:

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§ 2. *Except as otherwise provided by this section,* all funds held by the trustees of Margaret Academy, including the proceeds of the sale of the real estate of the Academy and all income received by the trustees from investments prior to the effective date of this act shall be kept invested by such trustees in safe, income producing securities, and the income derived therefrom shall be used by the trustees in the support, maintenance and operation of such schools, libraries, hospitals and institutions operated for the benefit of the general public of Accomack and Northampton Counties, or any one or more of them, as the trustees, with the approval of the judge of the Circuit Court of the County of Accomack, shall deem for the best interest of the citizens of such counties. *The trustees may, with the approval of the judge of the Circuit Court of the County of Accomack, expend the principal of such funds for such purposes when they deem it to be for the best interests of the citizens of such counties.*

CHAPTER 317

An Act to provide for certain payments in addition to the retirement allowance otherwise payable to certain retired game wardens who were members of the Virginia Retirement System.

[S 226]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding any other provision of law, any person who was employed by the Commission of Game and Inland Fisheries as a game warden, who was a member of the Virginia Retirement System, who retired prior to January one, nineteen hundred fifty-two, and who can establish to the satisfaction of the Board of Trustees of the Virginia Supplemental Retirement System that he has no gross income, other than his retirement allowance under the Virginia Retirement System, in excess of twenty-five dollars a month, shall be paid for life by such Board the sum of twenty-five dollars a month, in addition to such benefits as actuarially computed; provided, that the Board shall be reimbursed quarterly in the amounts so paid from the Game Protection Fund, for which purpose there is hereby appropriated from such fund a sum sufficient.

CHAPTER 318

An Act to amend and reenact § 9-42 of the Code of Virginia, so as to provide additional authority to the Commission to revoke, suspend or place on probation the license of any licensee under this chapter and provide standards therefor, and to provide for judicial review.

[S 232]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 9-42 of the Code of Virginia be amended and reenacted so as to read as follows:

§ 9-42. * *The Commission shall have the additional authority and power to suspend, revoke or place on probation the license of any licensee licensed under this chapter, who in the discretion of the Commission:*

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(1) Is guilty of failure to obey any lawful order of the Commission, the executive secretary or any inspector thereof.

(2) Is guilty of gross immorality.

(3) Is unfit or incompetent by reason of negligence.

(4) Is insolent or disrespectful to any member of the Commission or representative thereof.

(5) Is guilty of violating any provision of this act or rules and regulations of the Commission.

(6) Has committed fraud or deceit in securing a license for himself or another.

(7) Has been convicted of a felony or misdemeanor involving moral turpitude in any jurisdiction within ten years preceding the suspension or revocation and such conviction not previously reported to the Commission by said licensee.

(8) Is an habitual drunkard or addicted to the use of narcotics.

(9) Is or has become mentally incompetent.

(10) Is or has been guilty of unprofessional or unethical conduct, or such conduct as to require a suspension or revocation of license in the interest of the public.

(11) Has failed to furnish the proper party a copy of any contract or statement required by this act or the rules and regulations promulgated hereunder, or has breached such a contract.

(12) Has loaned or permitted another person to use his license, or has borrowed or used the license of another.

(13) Has failed to maintain in force the bond required by this chapter.

(14) Has by act or omission conducted himself in a manner which would tend to be detrimental to the best interests of boxing or wrestling generally, or to the public interest and general welfare.

(15) Has been disciplined in any manner by the Athletic Commission or similar agency or body of any jurisdiction.

(16) Has failed to pay a fine or forfeiture imposed by this chapter.

(17) Has, either within or without this State, by any act, threat, statement or otherwise, restrained, hindered, interfered with or prevented another promoter, club, association or booking agent, or has attempted, either within or without this State, in any such manner to restrain, hinder, interfere with or prevent another promoter, club, association or booking agent from presenting any professional boxing or wrestling match or exhibition within or without the State of Virginia.

(18) Has, either within or without this State, engaged, directly or indirectly, in restraints or monopolies or taken any action tending to create or establish restraints or monopolies or conspired with others to restrain any person or persons from participating or competing in any professional boxing or wrestling match or exhibition for any promoter, club, association or booking agent.

(19) Any hearings had under this section shall be in accordance with the procedure mutatis mutandis prescribed in §§ 9-6.10 through 9-6.14, inclusive, of this Code.

CHAPTER 319

An Act to amend and reenact § 9-23 of the Code of Virginia, so as to provide for the issuance of licenses to promote, etc., professional boxing and wrestling matches, to provide standards for such issuance and to render such licenses subject to the Commission's rules and

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regulations and to the other provisions of this chapter, and to provide for judicial review.

[S 233]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 9-23 of the Code of Virginia be amended and reenacted so as to read as follows:

§ 9-23.—The Commission, at its discretion, may issue a license to *promote,* conduct * *or* hold * *professional* wrestling or boxing and sparring matches and exhibitions to any *person,* corporation, association, club or organization eligible for a license under this chapter. *

Before being granted a license, or the renewal of such license the applicant must establish to the satisfaction of the Commission that he:

1. Is skilled, or has knowledge, in the profession of boxing and wrestling generally.

2. Is of good moral character.

3. Is physically fit and mentally sound.

4. Has not been convicted of any felony or of any misdemeanor involving moral turpitude.

5. Will conduct his business in the best interest and welfare of the public, preserving the safety and health of participants and the best interests of professional boxing and wrestling generally.

6. Will adhere to and comply with all the rules and regulations of the Commission pertaining to such license.

In the case of a corporate applicant, these factors shall pertain to its officers, directors, principal stockholders and employees.

Every license *and licensee* shall be subject to such rules and regulations, and amendments thereof, as the Commission may prescribe.

Every license and licensee shall be subject to the provisions of § 9-42 of the Code of Virginia, and amendments thereof, and to the other provisions of this chapter.

Any hearings had under this section shall be in accordance with the procedure mutatis mutandis prescribed in §§ 9-6.10 through 9-6.14, inclusive, of this Code.

CHAPTER 320

An Act to amend and reenact § 9-16.1 of the Code of Virginia, so as to eliminate the first and last paragraphs thereof.

[S 236]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 9-16.1 of the Code of Virginia be amended and reenacted so as to read as follows:

§ 9-16.1 * The Commission shall have the power to conduct investigations as to whether or not monopolies, combinations or other restraints exist to restrain matches or exhibitions of professional boxing or wrestling anywhere in this State and to this end * may employ the powers set forth in § 9-20 of the Code. If the Commission requires the assistance of the Attorney General and applies to him therefor, the Attorney General may assist the Commission in its investigations. The Attorney General in the conduct of any such investigation shall be reimbursed from that portion

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of the funds of the Commission appropriated to the State under the provisions of § 9-47.

*

CHAPTER 321

An Act to amend and reenact § 40-34, as amended, of the Code of Virginia, relating to regulation of hours of work of women and exceptions thereto.

[S 241]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 40-34, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 40-34. No female shall be employed, suffered or permitted to work in any factory, workshop, laundry, restaurant, mercantile or manufacturing establishment in this State more than nine hours in any one day of twenty-four hours without an unbroken rest period of ten consecutive hours, nor more than forty-eight hours in any one week. All contracts for the employment of any female in any factory, workshop, laundry, restaurant, mercantile or manufacturing establishment to work more than nine hours in any one day of twenty-four hours without an unbroken rest period of ten consecutive hours, or more than forty-eight hours in any one week, shall be deemed to be void.

Nothing in this section shall be construed to prohibit an employee from working after an unbroken rest period of eight hours in connection with shift changes, occurring not oftener than once in any work week, *nor shall this section prohibit an employee in a manufacturing establishment from working seven consecutive days, with the employee limited to eight hours of work on each of such seven consecutive days with such seven consecutive day period occurring not oftener than once in fourteen consecutive days, in connection with a rotating shift schedule used in a manufacturing establishment which operates twenty-four hours each day continuously.*

CHAPTER 322

An Act to amend and reenact § 46.1-428 of the Code of Virginia, relating to suspension and restoration of license of person committed to institution as inebriate or habitual user of drugs.

[S 247]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-428 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-428. (a) The Commissioner, upon receipt of notice that any person has been committed to, or has been admitted to an institution as an inebriate, or an habitual user of drugs, shall forthwith suspend his license. Such suspension shall be terminated by the Commissioner after the release of the person from the institution, in the event the Commissioner is furnished a statement executed by * *the person in charge of such institution,* or by the judge of the county or municipal court of the jurisdiction in which

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such person resides, that the person is sufficiently recovered to operate a motor vehicle safely. If * *the person in charge of such institution,* or the judge of the county or municipal court fail or refuse to execute said statement, the person affected may appeal to the circuit court having jurisdiction. Provided, if such person shall thereafter return to an institution for the care or treatment of inebriates or habitual users of drugs the license shall be forthwith suspended and not thereafter be reissued until such person is adjudged competent by judicial order or decree, or discharged as cured from an institution for the cure of inebriates or for the treatment of habitual users of drugs.

(b) The clerk of the court in which any such adjudication is made shall forthwith send a certified copy or abstract thereof to the Commissioner.

(c) Any person heretofore required to give proof of financial responsibility by reason of his commitment to an institution as an inebriate, or an habitual user of drugs, shall be relieved of such requirements as of July one, nineteen hundred fifty-four.

CHAPTER 323

An Act to authorize the city of Richmond to convey certain real estate to the Commonwealth.

[S 259]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

§ 1. The city of Richmond is authorized and empowered to convey by deed in a form approved by the Attorney General to the Commonwealth the unpaved plot in the center of Monument Avenue between Stuart Circle and Allen Avenue.

CHAPTER 324

An Act to amend and reenact § 29-184, as amended, of the Code of Virginia, relating to licenses for dogs.

[S 274]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-184, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-184. *Except as hereinafter provided,* it shall be unlawful for any person to own a dog four months old or over in this State unless such dog is licensed, as required by the provisions of this chapter. Dog licenses shall run by the calendar year, namely, from January first to December thirty-first, inclusive, and the license tax, which shall be the only license tax on dogs in this State, shall be payable at the office of the treasurer and shall be as follows:

Male.—For a male dog, one dollar.

Unsexed female.—For an unsexed (successfully spayed) female dog, one dollar.

Female.—For a female dog, three dollars.

Kennel, for twenty dogs.—For a kennel of twenty dogs, fifteen dollars.

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Kennel, for fifty dogs.—For a kennel of fifty dogs, twenty-five dollars.

In any county having a population of more than twenty-one thousand but not more than twenty-one thousand two hundred the governing body may, at such time as it deems proper, increase such tax, but in no event shall such tax exceed the following amounts:

Male.—For a male dog, one dollar fifty cents.

Unsexed female.—For an unsexed female dog, one dollar fifty cents.

Female.—For a female dog, four dollars.

In any such county the license tax on kennels shall be as provided above.

In any county wherein there is in effect an ordinance adopted pursuant to § 29-196 for the purposes specified in such section, the governing body thereof may by ordinance, increase the minimum age limit of dogs for which licenses shall not be required from four months to not exceeding six months.

CHAPTER 325

An Act to amend and reenact §§ 56-338.8, 56-338.12, and 56-338.14 as amended, of the Code of Virginia, relating to issuance of certificates of public convenience and necessity to household goods carriers.

[S 314]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-338.8, 56-338.12, and 56-338.14 as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 56-338.8. No person, not herein exempted, shall engage in motor vehicle transportation of household goods, as herein defined, for compensation on any highway within the State, unless and until he has obtained from the Commission a certificate of public convenience and necessity as a household goods carrier. *

§ 56-338.12. * The Commission may at any time, by its order duly entered after hearing had upon notice to the holder of any such certificate and an opportunity to such holder to be heard, at which it shall be proved that such holder has made any misrepresentation of a material fact in obtaining such certificate, or has violated or refused to observe any of the laws of this State touching such certificate, or any of the terms, limitations and restrictions of his certificate, or any of the Commission's proper orders, rules or regulations, impose a penalty not exceeding one thousand dollars, which may be collected by the process of the Commission as provided by law; or the Commission may suspend, revoke, alter or amend any such certificate, whenever the Commission finds after a hearing upon notice as above that such certificate holder knowingly misrepresented any material fact in obtaining his certificate, or wilfully violated or refused to observe any of the laws of this State touching his certificate, or wilfully violated or failed to observe any of the proper orders, rules or regulations of the Commission, or any term, condition or limitation of such certificate.

Proceedings looking to the imposition of any penalty provided for herein may be commenced upon the complaint of any person or upon the Commission's own initiative. *

§ 56-338.14. Any such certificate may be transferred or leased if the Commission after a public hearing shall find the proposed transfer or lease justified by public convenience and necessity, and under such *

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terms, limitations and restrictions as may be prescribed by the Commission. The application shall be made jointly by the transferor and transferee, seller and purchaser, or assignor and assignee, or lessor and lessee.

CHAPTER 326

An Act to amend and reenact § 1 of Chapter 459 of the Acts of Assembly of 1956, approved March 30, 1956, relating to seasons and means of taking or gigging carp in the Shenandoah River in certain counties.

[S 325]

Approved March 15, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Chapter 459 of the Acts of Assembly of 1956, approved March 30, 1956, be amended and reenacted as follows:

§ 1. It shall be lawful for any person, while either in or on such river or on any bank or shore thereof, to take German carp by means of gigs, including bows and arrows, and artificial lights from the Shenandoah River in the counties of Page, * Clarke *and* Warren, * during the daytime between the first day of May and the thirtieth day of June in any year; but every such person shall have a current license to fish in the county in which he shall gig, or attempt to gig, any such carp. *Provided, however, that carp may be gigged in said river at any time in the counties of Shenandoah and Rockingham.*

CHAPTER 327

An Act to amend Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, which provided a charter for the city of Charlottesville, by adding a section numbered 5.1, to provide for submission of proposed ordinances or charter amendments to the qualified voters of the city.

[S 166]

Approved March 16, 1960

Be it enacted by the General Assembly of Virginia:

1. That Chapter 384 of the Acts of Assembly of 1946, approved March 28, 1946, be amended by adding a section numbered 5.1 as follows:

§ 5.1. The council shall have authority to order, by resolution directed to the corporation court of the city or the judge thereof in vacation, the submission to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the city charter. Upon the receipt of such resolution the corporation court of the city or the judge thereof in vacation shall order an election to be held thereon not less than thirty nor more than sixty days after the receipt of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten per centum of the largest number of votes cast in any general or primary

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election held in the city during the five years immediately preceding and verified as hereinafter provided, is filed with the clerk of the corporation court of the city he shall forthwith certify that fact to the court or judge thereof in vacation. The signatures to such petition shall be verified by attaching thereto a certificate of an officer or officers authorized to administer oaths, that the persons whose names are signed thereto made oath before such officer or officers that they are qualified voters of the city. Upon the certification of such petition the corporation court of the city or the judge thereof in vacation shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the result thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment such result shall be communicated by the clerk of the corporation court of the city to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

Nothing contained in this section shall be construed as affecting the provisions of § 14-a of this charter.

2. An emergency exists and this act is in force from its passage.

CHAPTER 328

An Act to amend and reenact § 58-81, as amended, of the Code of Virginia, relating to deductions from income for purposes of taxation.

[S 58]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-81, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-81. Deductions allowed.—Taxpayers reporting income as prescribed by this chapter shall be allowed the following deductions:

(a) *Expenses.*—(1) Trade or Business Expenses—(A) In General.—All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for the purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

(B) Corporate charitable contributions.—No deduction shall be allowable under subparagraph (A) to a corporation for any contribution or gift which would be allowable as a deduction under subsection (n) were it not for the five per centum limitation therein contained and for the requirement therein that payment be made within a specified time.

(2) Nontrade or nonbusiness expenses.—In the case of an individual, all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income.

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(b) *Interest.*— All interest paid or accrued within the taxable year on existing indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities, the interest from which is not or would not be taxable under this chapter. All interest actually paid within the taxable year on tax liabilities due to the State or the United States shall be deductible as interest.

(c) *Taxes.*—Taxes paid or accrued within the taxable year, except income taxes, inheritance taxes, and taxes assessed for local benefits of a kind tending to increase the value of the property assessed.

(d) *Losses in trade or business.*—Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business, the income from which is subject to taxation in this State.

(e) *Losses in other transactions entered into for profit.*—Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but in the case of a taxpayer other than a resident of the State only such losses shall be deductible as relate to transactions in real property or in tangible personal property having an actual situs in this State.

(f) *Losses from casualty or theft.*—Losses sustained during the taxable year of property not connected with the trade or business (but in the case of a taxpayer other than a resident only of real property or tangible personal property having an actual situs in this State), if arising from fire, storms, shipwrecks or other casualty or from theft and not compensated for by insurance or otherwise.

(g) *Bad debts.*—Debts due the taxpayer and actually ascertained to be worthless and actually charged off within the taxable year.

(h) *Repairs.*—The actual amount paid or incurred during the taxable year for repairs to and maintenance of buildings and machinery; provided that no deductions shall be made for any repair which is chargeable to residence property occupied by its owner, or for depreciation thereof, and the annual value of the estimated rental thereof shall not be included in the income subject to taxation.

(i) *Depreciation.*—A reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence):

(1) of property used in the trade or business, or

(2) of property held for the production of income. In the case of property held by one person for life with remainder to another person the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

(j) *Depletion.*—In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the Department of Taxation. In any case in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate (but not the basis for depletion) shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases the deductions shall be equitably apportioned between the lessor and lessee. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner

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of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or in the absence of such provisions, on the basis of the trust income allocable to each.

(k) *Dividends on bank stocks.*—Dividends received during the taxable year upon stock of national banks and dividends received during the taxable year upon stock of banks and trust companies organized under the laws of this State.

(l) *Other dividends or portions thereof.*—Dividends received during the taxable year from stock in any corporation, the income of which was assessable for the preceding year under the provisions of the income tax laws of this State; provided that when only a part of the income of any such corporation was so assessable, only a corresponding part of the dividends received therefrom shall be deductible.

(m) *Charitable and other contributions.*—In the case of an individual, contributions or gifts, payment of which is made within the taxable year to or for the use of:

(1) The United States, any state, territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes;

(2) A corporation, trust, or community chest, fund, or foundation, created or organized in the United States or in any possession thereof or under the law of the United States or of any state or territory or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) The special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1942, 43 Stat. 611 (U. S. C., Title 38, § 440);

(4) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

(5) A domestic fraternal society, order or association, operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals;

To an amount which in all the above cases combined does not exceed fifteen per centum of the taxpayer's adjusted gross income. Such contributions or gifts shall be allowable as deductions only if verified under the rules and regulations prescribed by the Department of Taxation.

(n) *Charitable and other contributions by corporations and co-operative associations.*—In the case of a corporation, or a co-operative association or co-operative farm produce marketing association organized under the provisions of chapters 14 and 15, Title 13 [now Title 13.1, chapter 3, § 13.1-301 et seq.] of the Code of Virginia, contributions or gifts payment of which is made within the taxable year to or for the use of:

(1) The United States, any state, territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes;

(2) A corporation, trust, or community chest, fund, or foundation, created or organized in the United States or in any possession thereof or

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under the law of the United States, or of any state or territory, or of the District of Columbia, or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, veteran rehabilitation service, literary, or educational purposes or for the prevention of cruelty to children (but only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; or

(3) Posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations, if such posts, organizations, units, trusts, or foundations are organized in the United States or any of its possessions, and if no part of their net earnings inure to the benefit of any private shareholder or individual;

To an amount which, in the case of a corporation, does not exceed five per centum of the taxpayer's net income as computed without the benefits of this section; to an amount which, in the case of a co-operative association or co-operative farm produce marketing association, does not exceed five per centum of the savings or earnings of such association available for distribution to its members and patrons. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Department of Taxation.

In the case of a corporation reporting its net income on the accrual basis, at the election of the taxpayer any contribution or gift payment of which is made after the close of the taxable year and on or before the fifteenth day of the third month following the close of such year shall, for the purpose of this section, be considered as paid during such taxable year if, during such year, the board of directors authorized such contribution or gift. Such election shall be made only at the time of the filing of the return for the taxable year, and shall be signified in such manner as the Department of Taxation shall by rules and regulations prescribe.

(o) *Alimony, etc., payments.*—In the case of a husband described in § 58-78 (c) amounts includible under § 58-78 (c) in the gross income of his wife, payment of which is made within the husband's taxable year. If the amount of any such payment is, under § 58-78 (c) or § 58-121.1, stated to be not includible in such husband's gross income, no deduction shall be allowed with respect to such payment under this subsection.

(p) *Medical, dental, etc., expenses.*—Expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent specified in § 58-98 (c):

(1) If neither the taxpayer nor his spouse has attained the age of sixty-five before the close of the taxable year, to the extent that such expenses exceed five per centum of the adjusted gross income; or

(2) If either the taxpayer or his spouse has attained the age of sixty-five before the close of the taxable year, (A) the amount of such expenses for the care of the taxpayer and his spouse, and (B) the amount by which such expenses for the care of such dependents exceed five per centum of the adjusted gross income. The deduction under this subsection shall not be in excess of one thousand two hundred and fifty dollars multiplied by the number of exemptions allowed under § 58-98 for the taxable year (exclusive of exemptions allowed under § 58-98 (a) (2) or (3), with a maximum deduction of two thousand five hundred dollars, except that the maximum deduction shall be five thousand dollars in the case of a joint return of husband and wife under § 58-105 (b). The term "medical care," as used in this subsection, shall include amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting

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any structure or function of the body (including amounts paid for accident or health insurance). The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of § 58-105 (b) (5).

(3) (i) Subject to the provisions hereof, the deductions under this paragraph shall not exceed—

(A) Fifteen thousand dollars, if the taxpayer has attained the age of sixty-five before the close of the taxable year and is disabled, or if his spouse has attained the age of sixty-five before the close of the taxable year and is disabled and if his spouse does not make a separate return for the taxable year, or

(B) Thirty thousand dollars, if both the taxpayer and his spouse have attained the age of sixty-five before the close of the taxable year and are disabled and if the taxpayer files a joint return with his spouse.

(ii) For purposes of paragraph (i)

(A) Amounts paid by the taxpayer during the taxable year for medical care, other than amounts paid for—

(a) his medical care, if he has attained the age of sixty-five before the close of the taxable year and is disabled, or

(b) the medical care of his spouse, if his spouse has attained the age of sixty-five before the close of the taxable year and is disabled, shall be taken into account only to the extent that such amounts do not exceed the maximum limitation provided elsewhere in this subsection which would (but for the provisions hereof) apply to the taxpayer for the taxable year;

(B) if the taxpayer has attained the age of sixty-five before the close of the taxable year and is disabled, amounts paid by him during the taxable year for his medical care shall be taken into account only to the extent that such amounts do not exceed fifteen thousand dollars; and

(C) if the spouse of the taxpayer has attained the age of sixty-five before the close of the taxable year and is disabled, amounts paid by the taxpayer during the taxable year for the medical care of his spouse shall be taken into account only to the extent that such amounts do not exceed fifteen thousand dollars.

(iii) For purposes of paragraph (i), an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Commissioner may require.

(iv) For purposes of paragraph (i), the determination as to whether the taxpayer or his spouse is disabled shall be made as of the close of the taxable year of the taxpayer, except that if his spouse dies during such taxable year such determination shall be made with respect to his spouse as of the time of such death.

(q) *Optional standard deduction for individuals.*—

(1) Allowance.—In the case of an individual, at his election a standard deduction as follows:

(A) Adjusted gross income $5,000 or more.—If his adjusted gross income is five thousand dollars or more, the standard deduction shall be five hundred dollars or an amount equal to five per centum of the adjusted gross income, whichever is the lesser, except that in the case of a separate return by a married individual, the standard deduction shall be two hundred fifty dollars.

(B) Adjusted gross income less than $5,000.—If his adjusted gross income is less than five thousand dollars the standard deduction shall be an amount equal to five per centum of the adjusted gross income.

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(2) In lieu of certain deductions and credits.—The standard deduction shall be in lieu of: (A) all deductions other than those which under § 58-78 (d) are to be subtracted from gross income in computing adjusted gross income, and (B) all credits with respect to taxes of other states.

(3) Method and effect of election.—

(A) The standard deduction shall be allowed only if the taxpayer so elects in his return, and the Department of Taxation shall by rules and regulations prescribe the manner of signifying such election in the return.

(B) If the taxpayer does not signify, in the manner provided by subparagraph (A), his election to take the standard deduction, it shall not be allowed. If he does so signify, such election shall be irrevocable.

(4) Husband and wife.—In the case of husband and wife, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction.

(5) Short period.—In the case of a taxable year of less than twelve months on account of a change in the accounting period, the standard deduction shall not be allowed.

(6) Determination of status.—For the purposes of this subsection:

(A) The determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and (B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(r) *Teaching expenses.*—In the case of teachers in the public free schools who are members of the Virginia Supplemental Retirement System, all reasonable and necessary expenses paid or incurred by the teacher during the taxable year by virtue of any college, university or extension work undertaken during any summer by the teacher for the improvement of his or her professional qualifications or standing as a teacher.

2. This act shall be effective for taxable years beginning after December thirty-first, nineteen hundred and fifty-nine.

CHAPTER 329

An Act to amend and reenact § 58-268 of the Code of Virginia, relating to the license taxation of amusement parks.

[S 87]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-268 of the Code of Virginia be amended and reenacted as follows:

§ 58-268. The owner or operator of a permanent park, open to the public for at least four months as a permanent place of amusement, which shall be operated continuously, each day, Sundays and holidays excepted, for at least four months, may operate a bowling alley, trained animal show, hobby-horse or merry-go-around, Ferris wheel, * moving picture show, theatrical performances, old mill or similar entertainment, bath houses, boat houses, parking stations to the extent that they are not within the definition of a garage contained in § 58-378, * refreshment and confectionery stands other than for the sale of beer and wine of any alcoholic content or tobacco, *and the following coin-operated devices: ma-*

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chines for exhibiting pictures, automatic photo machines, baseball machines, bowling alley machines, hockey machines, auto testing machines, machines for testing strength or grip, electronic gun and rifle machines, aeroplane testing machines, basketball machines, foot-ease machines, weight scale machines, punching bag machines, tractor machines, crane machines, voice recording machines, and similar coin-operated amusement devices that are usual to an amusement arcade operation, other than coin-operated pin-ball machines which pin-ball machines must be separately licensed under the law relating thereto; provided * *the items enumerated as coming within the scope of the privilege conferred by a license taken out under this section* are located, * conducted *or operated* within the area of such amusement park and are under the supervision and control of the owner or operator of the park, upon the payment of a license tax of four hundred dollars for a period of four months, six hundred dollars for a period of eight months, *or* eight hundred dollars for a period of one year; but the operation of a carnival or circus or show of any kind which moves from place to place shall not be allowed under the license provided for in this section.

This section as hereby amended shall apply to the license year beginning January first, nineteen hundred and sixty-one, and to every license year thereafter until otherwise provided by law.

CHAPTER 330

An Act to amend the Code of Virginia by adding in Title 55 thereof a new Chapter numbered 11.1, containing sections numbered 55-210.1 through 55-210.30, relating to the disposition of unclaimed personal property and making uniform the law with reference thereto.

[S 119]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 55 thereof a new Chapter numbered 11.1 containing sections numbered 55-210.1 through 55-210.30 as follows:

Chapter 11.1
Disposition of Unclaimed Property
Article 1
Citation of Act and Definitions

§ 55-210.1. This chapter may be cited as "The Uniform Disposition of Unclaimed Property Act".

§ 55-210.2. As used in this act, unless the context otherwise requires:

(a) "Banking organization" means any bank, trust company, savings bank or a private banker engaged in business in this State, or a bank as defined in § 6-6 of the Code of Virginia.

(b) "Business association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) "Financial organization" means any savings and loan association, building and loan association, credit union, or investment company, engaged in business in this State.

(d) "Holder" means any person in possession of property subject to this act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this act.

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(e) "Life insurance corporation" means any association or corporation transacting within this State the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

(f) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this act, or his legal representative.

(g) "Person" means any individual, business association, government or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(h) "Utility" means any person who owns or operates within this State, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Article 2

Property Abandoned or Presumed Abandoned

§ 55-210.3. The following property held or owing by a banking or financial organization is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in this State with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within seventeen years:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(b) Any funds paid in this State toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this State, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seventeen years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposits; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on checks certified in this State or on written instruments issued in this State on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts and traveler's checks, that has been outstanding for more than seventeen years from the date it was payable, or from the date of its issuance if payable on demand, unless the owner has within seventeen years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit box or any other safe-keeping repository in this State on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising

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from the sale thereof pursuant to law, that have been unclaimed by the owner for more than seventeen years from the date on which the lease or rental period expired.

§ 55-210.4. (a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within this State. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds," as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or annuity contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years, (1) assigned, readjusted, or paid premiums on the policy, or subject the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

§ 55-210.5. The following funds held or owing by any utility are presumed abandoned:

(a) Any deposit made by a subscriber with a utility subsequent to 1951 to secure payment for, or any sum paid in advance for, utility services to be furnished in this State, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the termination of the services for which the deposit or advance payment was made.

(b) Any sum which a utility has been ordered to refund and which was received for utility services rendered in this State, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination or order providing for the refund.

§ 55-210.6. Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

(a) It is held or owing by a business association organized under the laws of or created in this State; or

(b) It is held or owing by a business association doing business in this State, but not organized under the laws of or created in this State, and the records of the business association indicate that the last known address of the person entitled thereto is in this State.

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§ 55-210.7. All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in this State, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

§ 55-210.8. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in this State; or

(b) If it is held by a business association, doing business in this State, but not organized under the laws of or created in this State, and the records of the business association indicate that the last known address of the person entitled thereto is in this State; or

(c) If it is held in this State by any other person.

§ 55-210.9. All intangible personal property held for the owner by any State or federal court, public corporation, public authority, or public officer in this State, or a political subdivision thereof, that has remained unclaimed by the owner for more than seven years is presumed abandoned, provided, however, that this provision shall in no way affect the laws of this State relating to such property in the custody or control of any State court or on deposit or that may be deposited in a bank or other depository to the credit of any court in any cause, and provided further that if any federal statute provides for the distribution of any unclaimed property subject to the jurisdiction of a federal court, this statute shall not apply.

§ 55-210.10. All intangible personal property, not otherwise covered by this act, including any income or increment thereon and deducting any lawful charges, that is held or owing in this State in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

ARTICLE 3

Reciprocity for Property Presumed Abandoned or Escheated Under the Laws of Another State

§ 55-210.11. If specific property which is subject to the provisions of §§ 55-210.3, 55-210.6, 55-210.7, 55-210.8 and 55-210.10 is held for or owed or distributable to an owner whose last known address is in another state by a holder who is subject to the jurisdiction of that state, the specific property is not presumed abandoned in this State and subject to this act if:

(a) It may be claimed as abandoned or escheated under the laws of such other state; and

(b) The laws of such other state make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such other state when held for or owed or distributable to an owner whose last known address is within this State by a holder who is subject to the jurisdiction of this State.

ARTICLE 4

Procedural and Administrative Matters

§ 55-210.12. (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this act shall report to the State Treasurer with respect to the property as hereinafter provided.

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(b) The report shall be verified and shall include:

(1) the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of fifty dollars or more presumed abandoned under this act;

(2) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

(3) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under fifty dollars each may be reported in aggregate;

(4) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) Other information which the State Treasurer prescribes by rule as necessary for the administration of this act.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November one of each year as of June thirty next preceding, but the report of life insurance corporations shall be filed before May one of each year as of December thirty-one next preceding. The State Treasurer may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this act knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under this act shall include all items of property that would have been presumed abandoned if this act had been in effect during the ten year period preceding its effective date.

§ 55-210.13. (a) Within one hundred twenty days from the filing of the report required by § 55-210.12, the State Treasurer shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the county or city in this State in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this State, the notice shall be published in the county or city in which the holder of the abandoned property has his principal place of business within this State.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property," and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the State Treasurer.

(3) A statement that if proof of claim is not presented by the owner

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to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five days from the date of the second published notice, the abandoned property will be placed not later than eighty-five days after such publication date in the custody of the State Treasurer to whom all further claims must thereafter be directed.

(c) The State Treasurer is not required to publish in such notice any item of less than twenty-five dollars unless he deems such publication to be in the public interest.

(d) Within one hundred twenty days from receipt of the report required by § 55-210.12, the State Treasurer shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of twenty-five dollars or more presumed abandoned under this act.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the State Treasurer, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the State Treasurer to whom all further claim must be directed.

§ 55-210.14. Every person who has filed a report as provided by § 55-210.12 shall within twenty days after the time specified in § 55-210.13 for claiming the property from the holder pay or deliver to the State Treasurer all abandoned property specified in the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in § 55-210.13, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the State Treasurer, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

§ 55-210.15. Upon the payment or delivery of abandoned property to the State Treasurer, the State shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the State Treasurer under this act is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder who has paid moneys to the State Treasurer pursuant to this act may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the State Treasurer shall forthwith reimburse the holder for the payment.

§ 55-210.16. When property is paid or delivered to the State Treasurer under this act, the owner is not entitled to receive income or other increments accruing thereafter.

§ 55-210.17. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this act or to pay or deliver abandoned property to the State Treasurer.

§ 55-210.18. (a) All abandoned property other than money delivered to the State Treasurer under this act shall within one year after the

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delivery be sold by him to the highest bidder at public sale in whatever city in the State affords in his judgment the most favorable market for the property involved. The State Treasurer may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the county or city where the property is to be sold.

(c) The purchaser at any sale conducted by the State Treasurer pursuant to this act shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Treasurer shall execute all documents necessary to complete the transfer of title.

§ 55-210.19. (a) All funds received under this act, including the proceeds from the sale of abandoned property under § 55-210.18, shall forthwith be deposited by the State Treasurer in the Literary Fund of the State, except that the State Treasurer shall retain in a separate trust fund an amount not exceeding twenty-five thousand dollars from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposit he shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

(b) Before making any deposit to the credit of the Literary Fund the State Treasurer may deduct: (1) any costs in connection with sale of abandoned property, (2) any costs of mailing and publication in connection with any abandoned property, and (3) reasonable service charges.

§ 55-210.20. Any person claiming an interest in any property delivered to the State under this act may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the State Treasurer.

§ 55-210.21. The State Treasurer shall consider any claim filed under this act and may hold a hearing and receive evidence concerning it. If a hearing is held, he shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

(b) If the claim is allowed, the State Treasurer shall make payment forthwith. The claim shall be paid without deduction for costs of notices or sale or for service charges.

§ 55-210.22. Any person aggrieved by a decision of the State Treasurer or as to whose claim the State Treasurer has failed to act within ninety days after the filing of the claim, may commence an action in the circuit or corporation court of the county or city wherein the property claimed is situated to establish his claim. The proceeding shall be brought within ninety days after the decision of the State Treasurer or within one hundred eighty days from the filing of the claim if the State Treasurer fails to act.

§ 55-210.23. The State Treasurer, after receiving reports of property deemed abandoned pursuant to this act, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the

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contrary within one hundred twenty days after filing the report required under § 55-210.12, the State Treasurer shall be deemed to have elected to receive the custody of the property.

§ 55-210.24. The State Treasurer may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this act.

§ 55-210.25. If any person refuses to deliver property to the State Treasurer as required under this act, he shall bring an action in a court of appropriate jurisdiction to enforce such delivery.

§ 55-210.26. (a) Any person who wilfully fails to render any report or perform other duties required under this act, shall be punished by a fine of one hunded dollars for each day such report is withheld.

(b) Any person who wilfully refuses to pay or deliver abandoned property to the State Treasurer as required under this act shall be punished by a fine of not less than one hunded dollars or imprisonment for not more than one month, or both, in the discretion of the court.

§ 55-210.27. The State Treasurer may make necessary rules and regulations to carry out the provisions of this act.

§ 55-210.28. This act shall not apply to any property that has been presumed abandoned or escheated under the laws of another state prior to the effective date of this act.

§ 55-210.29. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

§ 55-210.30. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

2. This act shall take effect on January one, nineteen hundred sixty-one.

CHAPTER 331

An Act to amend and reenact §§ 63-73 as amended, 63-241, 63-351 as amended, and 16.1-178 of the Code of Virginia, relating to local boards of welfare, and child placing agencies, consent required for adoptions, and to practice and procedure of courts having jurisdiction of certain children or minors charged with certain offenses.

[S 147]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 63-73 as amended, 63-241, 63-351 as amended, and 16.1-178 of the Code of Virginia, be amended and reenacted as follows:

§ 16.1-178. If the court shall find that the child or minor is within the purview of this law it shall so decree and by order duly entered proceed as follows:

(1) Take custody and place the child or minor on probation, under such conditions as the court shall determine.

(2) Leave the child or minor in his own home under the supervision of the court with or without taking custody; or take custody and place the child or minor temporarily in a suitable home, under supervision of the court, pending final disposition of the case.

(3) Take custody and commit the child * to the care and custody of the local board of public welfare of the county or city in which the court

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has jurisdiction *or, at the discretion of the court, to the local board of the county or city in which the child has residence if other than the county or city in which the court has jurisdiction,* which board shall accept such child for care and custody; provided, however, that * *such local board if one other than in the county or city in which the court has jurisdiction, shall not be required to accept such child until it has been given reasonable notice of the pendency of the case and an opportunity to be heard.* Nothing herein shall be construed as prohibiting the commitment of a child to any local board of public welfare in the State when such local board consents to the commitment.

(4) Take custody and commit the child or minor coming within the provisions of paragraphs (g), (h) and (i) of subsection (1) of § 16.1-158 of this law to the * *care* and custody of the State Board of Welfare and Institutions if the child's or minor's behavior is such that the court deems it cannot be satisfactorily or adequately dealt with in his own locality or with its resources. All children intended to be placed in one of the industrial schools of the State shall be committed to the State Board of Welfare and Institutions, it being the purpose of this law that the Director shall determine which children or minors shall be so placed.

(4½) Take custody and commit the child or minor to the care *and* custody * of a person within the degree of relationship to the child as specified in paragraph (d) of § 63-141 of the Code of Virginia if, after an investigation of the suitability of such commitment, the court finds that it would be for the best interests of the child and the State.

(5) Take custody and commit the child or minor to the *care and* custody * of a private agency or organization approved and licensed by the State Board to care for * *or* place children or minors in *suitable* foster homes or *institutions.* No court shall commit a child or minor to an agency or organization out of the State without the approval of the Director.

(6) Commit the child or minor, if adjudged mentally defective, to a mental institution, in accordance with the provisions of the law.

(7) Refer or send the child or minor, if fourteen years of age or older, for proceedings and trial to a court having criminal jurisdiction, in accordance with the provisions of this law.

(8) In case of traffic violations the court may suspend an operator's license or require restitution in accordance with provisions of this law, or it may impose the penalties which are authorized to be imposed on adults for such violations.

(9) As disciplinary measure the court may impose a fine not exceeding fifty dollars upon a child or minor of working age or suspend his driving permit when such child or minor is found by the court to have violated the traffic laws of this State or a State or federal law or local ordinance. All sums so ordered to be paid may be paid by the child or minor in monthly or weekly installments; such child or minor may also be required to make restitution or reparation for damages resulting from his wrongful conduct.

(10) Order support or such other care and treatment, medical or otherwise, as the court deems to be for the best interests of the child or minor.

Commitment of a child by any court under any of the provisions of this section shall not per se confer the right upon the receiving agency to place such child for adoption. If proper studies indicate that it is for the child's best interest and that of the State that such child be separated permanently from its parent, parents or guardian, the order of commitment shall so state either in its original form or by subsequent proper revision thereof by the court, in which event the agency having custody of the child shall be free to make such permanent plans for the child as may otherwise be within the scope of the agency's authority.

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The provisions of this section, insofar as they may affect a local board of public welfare or other agency in giving consent for the adoption of any child placed in its custody by order of a court, shall not operate to change or invalidate such consent in any adoption suit pending on July 1, 1960.

§ 63-73. Any local board of public welfare shall have the right to accept for placement in suitable family homes or institutions, subject to the supervision of the Commissioner and in accordance with rules prescribed by the State Board, such persons under eighteen years of age as may be entrusted to it by the parent, *parents or* guardian * , or committed by any court of competent jurisdiction. Such local board of public welfare shall, in accordance with the rules prescribed by the State Board and in accordance with the parental agreement or other order by which such person is entrusted or committed to its care, have custody and control of the person so entrusted or committed * *to it* until he is lawfully discharged, has been adopted or has attained his majority; *and such local board shall have authority to place for adoption, and to consent to the adoption of, any child properly committed or entrusted to its care when the order of commitment or entrustment agreement between the parent or parents and the agency provides for the permanent separation of such child from his parent or parents.*

§ 63-241. A licensed child welfare agency shall have the right to accept, for any purpose not contrary to the limitations contained in its license, such persons under eighteen years of age as may be entrusted or committed to it by the parents, guardians, relatives or other persons having legal custody thereof, or committed by any court of competent jurisdiction. The agency shall, within the terms of its license and the agreement or order by which such person is entrusted or committed to its care, have custody and control of every such person so entrusted or committed and accepted, until he is lawfully discharged, has been adopted, or has attained his majority.

A licensed child placing agency may place for adoption, and is empowered to consent to the adoption of, any child who is properly committed or entrusted to its care when the order of commitment or the entrustment agreement between the parent or parents and the agency provides for the permanent separation of such child from his parent or parents.

§ 63-351. No petition for adoption shall be granted, except as hereinafter provided in this section, unless there be written consent to the proposed adoption filed with the petition. Such consent shall be signed and acknowledged before an officer authorized by law to take acknowledgements.

The consent of a parent for the adoption of his or her child shall not be valid unless the child be at least ten days old at the time the consent is signed.

A parent who has not reached the age of twenty-one shall have legal capacity to give consent to adoption and shall be as fully bound thereby as if said parent had attained the age of twenty-one years.

Consent by the child shall be necessary if the child is fourteen years of age or older.

Consent shall be executed:

(1) By the parents or surviving parent of a child born in wedlock; provided, however, if the parents are divorced and one has been divested of custody by terms of the divorce and does not consent to the adoption the petition may be granted without the consent of such parent; or

(2) By the mother of a child born out of wedlock. The consent of the father of a child born to an unmarried woman shall not be required unless such child becomes legitimate prior to the filing of the petition for adoption; or

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(3) By the child placing agency *or the local board of public welfare* having custody of the child, with right to place *him* for adoption, through court commitment or parental agreement as provided in § 63-73 or § 63-241 of the Code; or

(4) If after hearing evidence the court finds that the consent of any person or agency whose consent is hereinabove required is withheld contrary to the best interests of the child, or if a valid consent is unobtainable, the court may grant the petition without such consent.

If the child is not in the custody of a child placing agency and both parents are deceased, the court, after hearing evidence to that effect, may grant the petition without the filing of any consent.

CHAPTER 332

An Act to amend the Code of Virginia by adding a section numbered 51-111.41:1, providing prior service credit for certain members of the Virginia Supplemental Retirement System.

[S 156]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 51-111.41:1 as follows:

§ 51-111.41:1. (a) Any State employee or teacher member of the retirement system may, upon application to the Board, be given prior service credit for full time service by him as a trial justice or judge of a county court, provided he so served for ten years or longer. Upon notification by the Board that such credit has been given, the State Treasurer, on warrant of the Comptroller, shall transfer all contributions made by any such member to the Trial Justices' Retirement Fund provided for in § 51-29.11 from such Fund to the members' contribution account.

(b) Provided that if any such member does not remain in State service long enough to qualify for retirement or disability benefits, he shall not be permitted to withdraw funds so transferred from such Fund and all such moneys shall be transferred back to such Fund from which originally taken.

CHAPTER 333

An Act to amend and reenact §§ 54-298 as amended, 54-299 as amended, and 54-310 as amended, of the Code of Virginia, said sections relating generally to certification to practice the healing arts and specifically to Part I and to Part II of the examinations given to applicants for certificates to practice the healing arts, and to the issuance of certificates to practice the healing arts to applicants from without the State.

[S 179]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 54-298 as amended, 54-299 as amended, and 54-310 as amended, of the Code of Virginia, be amended and reenacted, as follows:

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§ 54-298. Part I of the examination shall be given by the Board and shall be taken and passed by all applicants, except those desiring to be examined on chiropody, or physical therapy, irrespective of the particular school or branch of the healing arts to which they adhere, and the examination given at any particular time shall be the same for all candidates, the same subjects being included and the same questions being asked. Part I of the examination shall embrace the subjects of anatomy, * pathology, physiology, bacteriology, * *and* biochemistry *. No candidate shall be held to have passed Part I of the examination unless he has made an average grade of seventy-five percent or more on the several subjects embraced therein, with no grade lower than seventy per cent on any one subject.

Examinations shall be written or partly written and partly oral and examination papers shall be preserved for a period of three years, after which they may be destroyed.

§ 54-299. (1) Generally.—Part II of the examination, except as hereinafter provided, shall be given by the Board, and shall be taken by each candidate for admission to practice and successfully passed with an average grade of seventy-five per cent or more on the several subjects embraced in the examination, with no grade lower than seventy per cent on any one subject. No candidate, unless excepted under * provisions of * *this Chapter,* shall be permitted to take Part II of the examination until he has successfully passed Part I thereof.

(2) Medicine.—For candidates applying for certificates to practice medicine, Part II of the examination shall embrace the subjects of *pharmacology,* * medicine, * pediatrics, * surgery, * obstetrics, * *and gynecology,* public health and * *preventive medicine.*

(3) Osteopathy.—For candidates applying for certificates to practice osteopathy, Part II of the examination shall embrace the same subjects as for candidates for certificates to practice medicine, except that * osteopathy shall be substituted for * medicine, but the examination shall include the subjects of pediatry, neurology and psychiatry.

(4) Chiropractic or naturopathy.—For candidates applying for certificates to practice chiropractic or naturopathy, Part II of the examination shall embrace the subjects of philosophy, practice, jurisprudence and therapeutics of their particular school or branch of the healing arts. The questions for the examination on philosophy, practice and therapeutics of the applicant's particular school of practice shall be prepared and the answers thereto shall be graded by the member or members of the Board representing such school or branch of practice.

§ 54-310. The Board may, in its discretion, arrange for reciprocity with the authorities of *the District of Columbia and* other states and territories having requirements equal to those established by this chapter, and issue certificates to applicants who have met such requirements. The Board may, in its discretion, issue certificates to applicants upon endorsement by boards or other appropriate authorities of *other* states *or territories or the District of Columbia* with which reciprocal relations have not been established and to applicants holding certificates from the National Board of Medical Examiners, provided * *such applicants are graduates of Class A medical schools, their* credentials * are satisfactory * and the examinations and passing grades required by such other boards are fully equal to those required by the Virginia Board.

An applicant for a certificate or license to practice physical therapy through reciprocity shall be a citizen of the United States, or if not a citizen, must have filed a declaration of intention to become a citizen of the United States.

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The fee for any such certificate, other than for the practice of physical therapy, shall be one hundred dollars, and the fee for a certificate to practice physical therapy shall be thirty dollars. The required fee shall be paid to the secretary of the Board before the certificate is granted, *but if the Board fails or refuses to grant the certificate after the credentials of the applicant have been processed, the Board shall retain the sum of ten dollars and refund the remainder of the fee to the candidate.*

An applicant for a certificate of endorsement from the Board to another state or territory or the District of Columbia shall pay to the Board a fee of ten dollars which shall not be refunded.

CHAPTER 334

An Act to amend and reenact §§ 54-307 as amended, 54-308 as amended, 54-308.5, 54-310 as amended, and 54-310.1, of the Code of Virginia, relating respectively to fees for examinations in the healing arts, requirements for admission to examination on chiropody, requirements for admission to examination on physical therapy, the issuance of certificates to practice the healing arts to applicants from without the state, and the issuance of certificates to practice physical therapy to certain applicants without examination.

[S 180]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 54-307 as amended, 54-308 as amended, 54-308.5, 54-310 as amended, and 54-310.1 of the Code of Virginia, be amended and reenacted, as follows:

§ 54-307. The fee for each Part I examination given shall be * *twenty-five* dollars *, and the fee for each Part II examination given shall be * *twenty-five* dollars *. In the event the candidate is admitted to the Part II examination without being required to take the Part I examination, the fee for the Part II examination shall be * *fifty* dollars. No examination shall be taken until the fee prescribed therefor has been paid.

If a candidate whose credentials have been processed and accepted by the Board fails for any reason to take the examination for which he has applied, the Board shall retain the sum of ten dollars and refund to the candidate the remainder of the fee paid. If a candidate applies for Part I and Part II examinations and takes the Part I examination but does not pass it or for any reason fails to take the Part II examination, the Board shall refund to him the entire fee paid by him for the Part II examination.

§ 54-308. Examinations of applicants to practice chiropody shall be in one part, and shall include the subjects named in § 54-301. Each candidate must submit evidence, verified by affidavit and satisfactory to the Board, that he or she:

(a) Is twenty-one years of age or more.

(b) Is of good moral character.

(c) Is a graduate of an accredited high school, or has completed the full equivalent of a grammar school and a four-year high school course.

(d) Has completed successfully at least a two-year academic course in an accredited college.

(e) Is a graduate of a recognized school of chiropody (podiatry) having a minimum requirement for graduation of four school years in attendance, which school at the time of such attendance maintained stand-

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ards which qualified it for inclusion on the list of approved schools prepared by the National Association of Chiropodists.

The fee for the examination of chiropody shall be * *fifty* dollars.

§ 54-308.5. Examinations of applicants to practice physical therapy shall be in one part, and shall include the subjects in § 54-301.1. Each candidate must submit evidence, verified by affidavit and satisfactory to the Board, that he or she:

(a) Is a citizen of the United States, or if not a citizen, has filed a declaration of intention to become a citizen of the United States;

(b) Is twenty years of age or more;

(c) Is of good moral character;

(d) Is a graduate of an accredited high school, or has completed the full equivalent of a grammar school and a four year high school course;

(e) Is a graduate of a school of physical therapy approved by the Council on Medical Education and Hospitals of the American Medical Association or by the American Physical Therapy Association, or is a graduate of a school outside of the United States or Canada which offers and requires courses in physical therapy acceptable to the Board on the advice of the Committee. The fee for the examination of physical therapists shall be * *thirty* dollars.

§ 54-310. The Board may, in its discretion, arrange for reciprocity with the authorities of *the District of Columbia and* other states and territories having requirements equal to those established by this chapter, and issue certificates to applicants who have met such requirements. The Board may, in its discretion, issue certificates to applicants upon endorsement by boards or other appropriate authorities of *other* states *or territories or the District of Columbia* with which reciprocal relations have not been established and to applicants holding certificates from the National Board of Medical Examiners, provided the credentials of the applicants are satisfactory and their schools of graduation and the examinations and passing grades required by such other boards are fully equal to those required by the Virginia Board.

An applicant for a certificate or license to practice physical therapy through reciprocity shall be a citizen of the United States, or if not a citizen, must have filed a declaration of intention to become a citizen of the United States.

The fee for any such certificate, other than for the practice of physical therapy, shall be one hundred dollars, and the fee for a certificate to practice physical therapy shall be thirty dollars. The required fee shall be paid to the secretary of the Board before the certificate is granted, *but if the Board fails or refuses to grant the certificate after the credentials of the applicant have been processed, the Board shall retain the sum of ten dollars and refund the remainder of the fee to the candidate.*

An applicant for a certificate of endorsement from the Board to another state or territory or the District of Columbia shall pay to the Board a fee of ten dollars which shall not be refunded.

§ 54-310.1. The Board shall grant a certificate or license to practice physical therapy without examination to any person who:

(a) Applies for such license or certificate by March one, nineteen hundred fifty-nine or, who, if serving in the armed forces of the United States of America on June 27, 1958, applies for registration within six months after discharge, separation or release from the Armed Forces;

(b) On June 27, 1958, has met the requirements listed in paragraphs (a), (b), (c), and (d) of § 54-308.5;

(c) Is practicing physical therapy, as defined and limited in this chapter, full time in the State of Virginia and was so practicing on and for at least one year prior to June 27, 1958, or the date of his application,

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or, if serving in the Armed Forces on June 27, 1958, was practicing full time in the State of Virginia for at least one year prior to June 27, 1958; and

(d) At the time of making such application pays a fee of * *thirty* dollars to the Board.

2. An emergency exists and this act is in force from its passage.

CHAPTER 335

An Act to amend and reenact §§ 58-476 and 58-476.1 of the Code of Virginia, relating to city and town taxes on shares of stock issued by banks and trust companies, and § 58-481 of the Code of Virginia, relating to credit against State taxes for amounts paid cities, towns and counties; to amend the Code of Virginia by adding new sections numbered 58-476.2 and 58-476.3, relating to town taxes on shares of stock issued by banks and trust companies, and new sections numbered 58-476.4 and 58-476.5, relating to county taxes on shares of stock issued by banks and trust companies, and a new section numbered 58-476.6, relating to records of deposits through branches of banks and the submission of reports to counties, towns and cities; and to repeal §§ 58-477, 58-477.1, 58-478 as amended, 58-478.1 and 58-483 of the Code of Virginia, all relating to the taxation of shares of stock issued by banks and trust companies.

[S 184]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-476, 58-476.1 and 58-481 of the Code of Virginia be amended and reenacted as follows:

§ 58-476. City * tax on stock *when bank located in city.*—Any city in this State in which *is located* any bank * may, by ordinance, * impose a tax not to exceed forty per centum of the State rate of taxation on each one hundred dollars of the taxable value of the shares of stock in such bank so located in such city; * *but if any such bank has any branch or branches located outside the corporate limits of such city, the tax imposed by such city shall be upon only such proportion of the taxable value of the shares of stock in such bank as the total deposits of such bank, minus deposits through any branch or branches located outside the corporate limits of such city, bear to the total deposits of the bank as of the beginning of the tax year.*

§ 58-476.1. City tax on stock when * *branch located in city.*—* Any city in this State * *in which is located the branch of a bank whose principal office is located outside such city may, by ordinance, impose a tax not to exceed forty per centum of the State rate of taxation* on * such proportion of the taxable value of the shares of stock in such bank as the * deposits * *through the branch or branches so located in such city* bear to the total deposits of the bank as of the beginning of the tax year.

§ 58-481. Credit against State taxes for amounts paid cities, * towns *and counties.*—Any bank paying for any tax year the tax herein prescribed assessed by any such city or by any incorporated town *or by any county* within * *this* State shall be entitled to credit upon the State taxes assessed against its stockholders for that year to the extent of any city, * town *or county* taxes paid by such bank for that year upon its shares of stock. Such credit shall be allowed by the Comptroller upon the presentation of the duly authenticated receipt of the treasurer or other collecting officer of

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such city, * town *or county.* In no event, however, shall the credit * exceed *the amount of such city and/or incorporated town and/or county levies authorized by §§ 58-476, 58-476.1, 58-476.2, 58-476.3, 58-476.4 and 58-476.5. § 58-480 shall apply with respect to the payment of all such levies.*

2. That the Code of Virginia be amended by adding thereto §§ 58-476.2, 58-476.3, 58-476.4, 58-476.5 and 58-476.6 as follows:

§ 58-476.2. Town tax on stock when bank located in town.—Any incorporated town in this State in which is located any bank may, by ordinance, impose a tax not to exceed eighty per centum of the State rate of taxation on each one hundred dollars of the taxable value of the shares of stock in such bank so located in such incorporated town; but if any such bank has any branch or branches located outside the corporate limits of such town, the tax imposed by such incorporated town shall be upon only such proportion of the taxable value of the shares of stock in such bank as the total deposits of the bank, minus deposits through any branch or branches located outside the corporate limits of such town, bear to the total deposits of the bank as of the beginning of the tax year.

§ 58-476.3. Town tax on stock when branch located in town.—Any incorporated town in this State in which is located the branch of a bank whose principal office is located outside the corporate limits of such town may, by ordinance, impose a tax not to exceed eighty per centum of the State rate of taxation on such proportion of the taxable value of the shares of stock in such bank as the deposits through the branch or branches so located in such incorporated town bear to the total deposits of the bank as of the beginning of the tax year.

§ 58-476.4. County tax on stock when bank located in county outside any incorporated town therein.—Any county in this State in which is located any bank outside any incorporated town therein may, by ordinance, impose a tax not to exceed eighty per centum of the State rate of taxation on each one hundred dollars of the taxable value of the shares of stock in such bank so located in such county outside the corporate limits of any town therein; but if any such bank has any branch or branches located in any other county in this State or in any incorporated town anywhere in this State or in any city in this State, the tax imposed by such county shall be upon only such proportion of the taxable value of the shares of stock in such bank as the total deposits of the bank, minus deposits through any branch or branches so located in any other county in this State and/or in any incorporated town anywhere in this State and/or in any city anywhere in this State, bear to the total deposits of the bank as of the beginning of the tax year.

§ 58-476.5. County tax on stock when branch located in county outside any incorporated town therein.—Any county in this State in which is located, outside any incorporated town therein, a branch or branches of a bank whose principal office is located in some other county in this State or in any incorporated town anywhere in this State or in any city anywhere in this State may, by ordinance, impose a tax not to exceed eighty per centum of the State rate of taxation on such proportion of the taxable value of the shares of stock in such bank as deposits through such branch or branches so located in such county, outside any incorporated town therein, bear to the total deposits of the bank as of the beginning of the tax year.

§ 58-476.6. Record of deposits through branches; submission of reports to counties, towns and cities in which branches located.—Each bank in this State, whether located in a county outside any incorporated town therein or in an incorporated town or in a city, that has as of the beginning of any tax year a branch located in any other county or in any incorporated town anywhere in this State or in any other city in this State, shall main-

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tain a record of the deposits through each such branch as of the beginning of the tax year; and each such bank shall, on or before February first of each year, deliver to the commissioner of the revenue, or other assessing officer, as the case may be, of each county and of each incorporated town and of each city in which any such branch is so located a copy of the report which such bank is required by this chapter to furnish the commissioner of the revenue of the county or city in which the principal office of the bank is located.

3. That §§ 58-477, 58-477.1, 58-478 as amended, 58-478.1 and 58-483 of the Code of Virginia are hereby repealed.

4. This act shall be effective for the tax year beginning January 1, 1961 and for each tax year thereafter.

CHAPTER 336

An Act to amend and reenact §§ 40-126 and 40-127 of the Code of Virginia, relating to apprentices and apprenticeship agreements.

[S 188]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 40-126 and 40-127 of the Code of Virginia be amended and reenacted as follows:

§ 40-126. The term "apprentice" shall mean a person at least sixteen years of age who is covered by a written agreement with an employer and approved by the Apprenticeship Council, which apprentice agreement provides for not less than four thousand hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment and * *the amount of related instruction required in the craft or trade.*

§ 40-127. Every apprentice agreement entered into under this chapter shall contain:

(1) The names of the contracting parties.

(2) The date of birth of the apprentice.

(3) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end.

(4) A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related * *or* supplemental instruction. *

(5) A statement setting forth a schedule of the processes in the trade or industry division in which the apprentice is to be taught and the approximate time to be spent at each process.

(6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated.

(7) A statement providing for a period of probation of not less than five hundred hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the Council at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the Council by mutual agreement of all parties thereto, or cancelled by the Council for good and sufficient reason.

(8) A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may with the approval of the

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Council transfer such contract to any other employer, provided the apprentice consents and such other employer agrees to assume the obligations of the apprentice agreement.

(9) Such additional terms and conditions as may be prescribed or approved by the Council not inconsistent with the provisions of this chapter.

CHAPTER 337

An Act to appropriate certain sums of money in aid of certain Confederate Memorial Associations and organizations of the United Daughters of the Confederacy in Virginia, to be used in caring for Confederate cemeteries and graves of Confederate soldiers and sailors not otherwise cared for and in erecting and caring for markers and monuments to such soldiers and sailors.

[S 189]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. A sum sufficient, estimated at fifteen thousand dollars, or so much thereof as may be needed, is hereby appropriated out of any money in the general fund of the State treasury, not otherwise appropriated, for each year of the biennium ending June thirtieth, nineteen hundred sixty-two, which amounts so appropriated annually shall be in lieu of all other appropriations out of the State treasury for the same purposes, and the Comptroller of the Commonwealth is instructed and empowered to draw warrants upon the State Treasurer annually in favor of the treasurers of the following Confederate Memorial Associations and chapters of the United Daughters of the Confederacy for the following sums of money payable out of these annual appropriations, to be by their respective associations and organizations expended in caring for Confederate cemeteries and graves therein and graves of Confederate soldiers and sailors not otherwise cared for in other cemeteries, and in erecting and caring for markers, memorials, and monuments to the memory of said soldiers and sailors; and the said associations and organizations, through their proper officers are hereby required to settle their accounts annually with the Comptroller of the Commonwealth by reports on official forms accompanied by all vouchers. These reports shall show the exact work done in caring for cemeteries herein specified and the graves of Confederate soldiers and sailors and in erecting and caring for markers, memorials and monuments to the memory of said soldiers and sailors, showing the money expended and the balance in the treasury of each said association and organization. These accounts shall be acknowledged before a commissioner in chancery, a notary public, or a clerk of the court.

Abingdon, U. D. C. One Hundred Fifty Dollars;
Accomack-Jefferson Davis Chapter, U. D. C. One Hundred Fifty Dollars;
Appomattox Confederate Memorial Association Two Hundred Fifty Dollars;
Ashland-Hanover Chapter, U. D. C. Seventy-Five Dollars;
Alleghany County, U. D. C. One Hundred Dollars;
Belle Haven-Robert E. Lee Chapter, U. D. C. Fifty Dollars;
Bethel Chapter, U. D. C. One Hundred Fifty Dollars;
Big Stone Gap, U. D. C. One Hundred Dollars;
Blacksburg-Montgomery Fifty Dollars;
Blue Ridge Grays Chapter, U. D. C. Fifty Dollars;

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Boydton Chapter, U. D. C. Fifty Dollars;
Botetourt-Buchanan One Hundred Dollars;
Bristol Confederate Memorial Association One Hundred Fifty Dollars;
Charlotte-Simeon T. Walton Chapter, U. D. C. One Hundred Fifty Dollars;
Charlottesville-Albemarle Chapter, U. D. C. Two Hundred Fifty Dollars;
Chase City Confederate Memorial Association Fifty Dollars;
Chesterfield Chapter, U. D. C. Seventy-Five Dollars;
City Point Chapter, U. D. C. One Hundred Dollars;
Clarksville Chapter, U. D. C. Thirty Dollars;
Centennial Chapter, U. D. C. Fifty Dollars;
Clifton Forge-Julia Jackson Chapter, U. D. C. Fifty Dollars;
Courtland Confederate Memorial Association Twenty-Five Dollars;
Craig-New Castle, U. D. C. Seventy-Five Dollars;
Crewe-Nottoway Chapter, U. D. C. Seventy-Five Dollars;
Culpeper Chapter, U. D. C. Fifty Dollars;
Dinwiddie Confederate Memorial Association Seventy-Five Dollars;
Elliott Grays Chapter, U. D. C. Seventy-Five Dollars;
Emory Confederate Memorial Association One Hundred Dollars;
Fairfax Chapter, U. D. C. Seventy-Five Dollars;
Franklin County Confederate Memorial Association Twenty-Five Dollars;
Farmville Chapter, U. D. C. Fifty Dollars;
Fauquier-Piedmont Chapter, U. D. C. Fifty Dollars;
Floyd County Confederate Memorial Association One Hundred Fifty Dollars;
Fredericksburg Confederate Memorial Association Five Hundred Dollars;
Gate City-Estill Memorial Association One Hundred Seventy-Five Dollars;
Gentry Methodist Church Cemetery, Greene County Twenty-Five Dollars;
Giles-McComas Chapter, U. D. C. Seventy-Five Dollars;
Glade Creek Cemetery Corporation, Botetourt County Fifty Dollars;
Gordonsville Confederate Memorial Association Three Hundred Dollars;
Grayson County:

- Atkins Cemetery Twenty-Five Dollars;
- Bethel Church Cemetery Thirty-Five Dollars;
- Bridlecreek Fifteen Dollars;
- Comers Rock Fifteen Dollars;
- Fellowship Baptist Cemetery near Comers Rock Fifty Dollars;
- Fellowship-Independence Fifty Dollars;
- Forest Cemetery Fifty Dollars;
- Fox Creek Fifty Dollars;
- Funk Cemetery Fifty Dollars;
- Gold Hill Cemetery Ten Dollars;
- Hale Cemetery Fifty Dollars;
- Hines Branch Cemetery Twenty-Five Dollars;
- Jerusalem Methodist Episcopal Church Cemetery Fifty Dollars;
- Lebanon Fifty Dollars;
- Liberty Hill Cemetery Seventy-Five Dollars;
- Nuckols Cemetery, Elk Creek Fifty Dollars;
- Pleasant Grove Cemetery Ten Dollars;
- Potato Creek Cemetery Twenty-Five Dollars;
- Rhudy Cemetery Fifty Dollars;
- Rugby Cemetery Fifteen Dollars;
- Saddle Creek Cemetery Twenty-Five Dollars;
- Spring Valley Fifteen Dollars;

Hampton Confederate Memorial Association One Hundred Dollars;
Harrisonburg-Turner Ashby Chapter, U. D. C. Three Hundred Dollars;
Henry County-Mildred Lee Chapter, U. D. C. Fifty Dollars;

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Hope Maury Chapter, U. D. C. Fifty Dollars;
Huguenot Springs-Richmond Chapter, U. D. C. One Hundred Dollars;
Isle of Wight Chapter, U. D. C. One Hundred Dollars;
Janet Randolph Chapter, U. D. C. Seventy-Five Dollars;
Junior Hollywood Memorial Association Fifty Dollars;
Lancaster Confederate Memorial Association Fifty Dollars;
Lee Chapter, U. D. C. Richmond One Hundred Dollars;
Lexington-Mary Custis Lee Chapter, U. D. C. Seventy-Five Dollars;
Louisa Confederate Memorial Association Forty Dollars;
Lynchburg Confederate Memorial Association One Hundred Fifty Dollars;
Madison, U. D. C. Chapter Twenty-Five Dollars;
Manassas Confederate Memorial Association Three Hundred Twenty-Five Dollars—First year; Seventy-Five Dollars—Second year;
Manassas Junction Confederate Memorial Association Seventy-Five Dollars;
Mathews-Captain Sally Tompkins Chapter, U. D. C. Fifty Dollars;
Mary Custis Lee-Seventeenth Virginia Regiment Chapter, U. D. C. One Hundred Dollars;
Middlesex Chapter, U. D. C. Fifty Dollars;
Mountain Plain Cemetery Seventy-Five Dollars;
Mount Jackson Chapter, U. D. C. One Hundred Fifty Dollars;
New Market Confederate Memorial Association Two Hundred Dollars;
New River Grays Chapter, U. D. C. Radford Seventy-Five Dollars;
Norfolk-Pickett Buchanan Chapter, U. D. C. One Hundred Dollars;
Northumberland County One Hundred Fifty Dollars;
Patrick County Confederate Memorial Association Fifty Dollars;
Petersburg Memorial Association Seven Hundred Dollars;
Petersburg Chapter, U. D. C. for Prince George Seventy-Five Dollars;
Pittsylvania County-Rawley Martin Chapter, U. D. C. One Hundred Dollars;
Portsmouth Confederate Memorial Association Seventy-Five Dollars;
Prince George Chapter, U. D. C. Seventy-Five Dollars;
Prize Hill Cemetery Association, Boonsville Thirty-Five Dollars;
Pulaski Chapter, U. D. C. Twenty-Five Dollars;
Radford Chapter, U. D. C. Seventy-Five Dollars;
Roanoke Chapter, U. D. C. Three Hundred Dollars;
Salyer Lee Chapter, U. D. C. Twenty-Five Dollars;
Scottsville Confederate Memorial Association Fifty Dollars;
Scott County:

Lawson's Cemetery Fifty Dollars;
Nickelsville Cemetery Fifty Dollars;
Rollins Cemetery Fifty Dollars;
Greenwood Cemetery Seventy-Five Dollars;
Pleasant Hill Cemetery-Groseclose, Smyth County Sixty Dollars;

Smyth County-Holston Chapter, U. D. C. One Hundred Dollars;
South Boston, U. D. C. Chapter One Hundred Dollars;
Spotsylvania C. H. Ladies Memorial Association Five Hundred Dollars;
Staunton-Confederate Section, Thornrose Cemetery One Thousand Five Hundred Dollars;
Stonewall Jackson Chapter, U. D. C. One Hundred Dollars;
Strasburg-Stover Camp Chapter, U. D. C. Fifty Dollars;
Suffolk Chapter, U. D. C. Seventy-Five Dollars;
Tazewell Chapter, U. D. C. One Hundred Dollars;
Warren Rifles Chapter, U. D. C. One Hundred Twenty-Five Dollars;
Warren Memorial Association One Hundred Fifty Dollars—First year;

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Seventy-Five Dollars—Second Year;
Warrenton-Black Horse Chapter, U. D. C. Fifty Dollars;
West Point Chapter, U. D. C. Fifty Dollars;
William Watts Chapter, U. D. C. Five Hundred Dollars;
Williamsburg Confederate Memorial Association Fifty Dollars;
Winchester-Stonewall Confederate Memorial Association Eight Hundred Dollars;
Wytheville-Wythe Gray Chapter, U. D. C. One Hundred Dollars;
Wythe County:
St. John's Cemetery Thirty-Five Dollars;
St. Mary's Cemetery Thirty-Five Dollars;
St. Paul's Cemetery Thirty-Five Dollars;
Yellow Tavern-Stuart Monument, Richmond Chapter, U. D. C. Four Hundred Fifty Dollars;
York County-Bethel Memorial Association One Hundred Dollars;
Albemarle Chapter No. 1, U. D. C. No. 154, St. Paul's Cemetery, Ivy, Virginia Seventy-Five Dollars;
Westerly Chapel Cemetery, Free Union, Albemarle County Seventy-Five Dollars;
Provided however, that if in any county or city hereinbefore named there is no Confederate Memorial Association or Chapter of the United Daughters of the Confederacy, the amount hereby appropriated for such county or city shall be expended for purposes hereinbefore specified, by a Confederate Memorial Board of three, appointed by the Judge of the Circuit Court. The treasurer of such board shall report to the State Comptroller according to requirements of this act.

CHAPTER 338

An Act to authorize the State Highway Commissioner to acquire by purchase lands of the Washington and Old Dominion Railroad, and to dispose of any portions thereof not necesary for highway purposes.

[S 197]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the State Highway Commissioner is hereby authorized to acquire by purchase, in whole or in part, the lands or any interest therein, comprising the railroad right of way of the Washington and Old Dominion Railroad, located in the county of Arlington and known as the Rosslyn Branch line; provided, however, that such acquisition shall not be effected until such railroad company shall have complied with all statutory requirements made and provided for obtaining approval of the abandonment of such branch line. In the event that, for any reason, the Washington and Old Dominion Railroad is abandoned, the State Highway Commissioner is authorized to purchase all or any part of the right of way of said railroad or any interest therein; provided, further, that the permission herein given shall not be deemed as legislative consent to such abandonment.

The Highway Commissioner is authorized to dispose of any portions of the lands mentioned hereinabove which are not deemed necessary for highway purposes, either by sale or in exchange for other lands which may better serve highway purposes.

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CHAPTER 339

An Act to amend and reenact § 58-32 of the Code of Virginia, relating to the office of the State Tax Commissioner and providing for expenses.

[S 219]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-32 of the Code of Virginia be amended and reenacted as follows:

§ 58-32. The office of the Commissioner shall be in the city of Richmond and suitable rooms shall be provided therefor in the State office building by the Governor. But the Commissioner may hold sessions and conduct investigations and hearings at any other place when necessary to the proper performance of the duties prescribed by law. The Commissioner and the employees of the Department of Taxation shall receive from the State the amount of their actual necessary expenses * on the business of the Commissioner, such expenses to be * approved by the Commissioner.

CHAPTER 340

An Act to amend and reenact § 35-3 of the Code of Virginia, relating to posting certain notice in certain places wherein oxygen consuming fuels are used for heating bedrooms.

[S 230]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 35-3 of the Code of Virginia be amended and reenacted as follows:

§ 35-3. Every owner or proprietor of any hotel, inn, house of private entertainment, or other house, licensed and kept for the lodging and entertainment of the public in this State wherein * *oxygen consuming fuels are* used, *in other than a central heating system,* for the purpose of * heating the bedrooms occupied by the guests, shall post conspicuously at some place on * *a wall* of each of such bedrooms a notice in large type, * and giving directions as to how the same * *are* to be lighted and extinguished. Any such owner, or proprietor, who shall fail to post such notices as hereinbefore required, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

CHAPTER 341

An Act to authorize the Governor and the State Hospital Board, on behalf of the Commonwealth, to convey certain property of the Petersburg Training School and Hospital to the College of William and Mary in Virginia and to Frank J. Reiter and Lillian B. Reiter, his wife.

[S 240]

Approved March 17, 1960

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Be it enacted by the General Assembly of Virginia:

1. § 1. The Governor of Virginia and the State Hospital Board are hereby jointly authorized and empowered, on behalf of the Commonwealth of Virginia, whenever in their judgment and uncontrolled discretion it is fitting and proper so to do, to transfer and convey to the College of William and Mary in Virginia, as a gift and without any consideration paid therefor, all right, title and interest of the Commonwealth of Virginia and the State Hospital Board in and to any part or all of that real estate with improvements now being used by Petersburg Training School and Hospital.

§ 2. The transfer and conveyance hereby authorized shall be by proper deed or deeds, executed in the name of the Commonwealth of Virginia by the Governor and the Secretary of the Commonwealth, under the lesser seal of the Commonwealth, and in the name of the Petersburg Training School and Hospital by the chairman of the State Hospital Board.

§ 3. The Governor and the State Hospital Board are hereby jointly authorized and empowered to execute, in the name of the Commonwealth and of the Petersburg State Training School and Hospital, respectively, a deed in form approved by the Attorney General upon such terms and conditions as to them shall seem proper, conveying to Frank J. Reiter and Lillian B. Reiter, all of the right, title and interest of the Commonwealth and the State Hospital Board in and to the following described property:

All that certain piece or parcel of land lying and being in Prince George County, Virginia, and most particularly described as follows:

Beginning at a stone on the north line of a certain road, owned by the United States Park Service, at its corner with the land of Frank J. Reiter and Petersburg Training School and Hospital; thence north 17° 44′ east 517.51 feet to an iron rod; thence south 61° 58′ east 377.45 feet to a stone on the northern line of the aforementioned road; thence south 56° 04′ west along the northern line of such road to the point and place of beginning; said parcel of land containing 2.2 acres, more or less, and being more particularly shown as tract number 5, on a certain map entitled: "Map showing a tract of land situated Namozine District Dinwiddie County, and Rives District Prince George County, Virginia owned by and surveyed for Petersburg Training School and Hospital, Commonwealth of Virginia, Department of Mental Hygiene and Hospitals." Made in July and August, nineteen hundred fifty-nine, by W. G. Chappell and on file in the office of the State Hospital Board.

§ 4. This act shall not be construed to limit or otherwise affect the power and authority conferred upon the Governor and the State Hospital Board by any other law.

CHAPTER 342

An Act to amend the Code of Virginia by adding thereto a section numbered 51-29.7:1, to provide for last-survivor annuities for clerks of Senate and House of Delegates and how the amount thereof shall be determined and paid.

[S 245]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 51-29.7:1 as follows:

§ 51-29.7:1. Any clerk who retires on account of age or disability

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may, at the time of his notifying the Governor of his retirement, elect, in lieu of the retirement salary in this chapter provided for, to receive a last-survivor annuity, which is an annuity during his lifetime and, after his death, an annuity of an equal or lesser amount to his widow during her lifetime. The annuity or annuities shall be paid in the same manner as the retirement salary.

Such clerk may make the election in the notice to the Governor required by this chapter, and, if he dies within ninety days preceding the date upon which such retirement was to become effective, the election shall be as valid as if he had lived until the day after the retirement date.

The present value or purchase price of the last-survivor annuity, computed upon the basis of the ages of the retiring clerk and his wife on the actual date of his retirement, shall be the mathematical or actuarial equivalent of the present value or purchase price of a life annuity of the retirement salary of the retiring clerk computed at his actual retirement age. The Comptroller shall determine, based on the value of such annuity on the scheduled date of retirement of any such clerk, the amount of compensation payable to such retirant or his widow and the Treasurer shall pay the same during their lives.

All computations under this section shall be upon the basis of such annuity mortality table as is prescribed by statute as a minimum basis for the valuation of annuity contracts issued by life insurance companies in this State with interest at two and one-half per centum per annum.

CHAPTER 343

An Act to amend the Code of Virginia by adding thereto a section numbered 58-792.5, relating to general reassessments of real estate in certain counties.

[S 256]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 58-792.5 as follows:

§ 58-792.5. In any county adjoining a city having a population of more than ten thousand inhabitants according to the United States census of nineteen hundred and fifty, in which a general reassessment of real estate was begun in the year nineteen hundred and fifty-nine but not completed by the end of that year, the governing body of the county may, by resolution adopted by an affirmative vote of a majority of the members thereof, order that the local levies for the tax year nineteen hundred and sixty shall be extended on the basis of the last general reassessment made prior to the year nineteen hundred and fifty-nine, subject to such changes as may have been lawfully made; that the general reassessment begun in the year nineteen hundred and fifty-nine shall be completed by December thirty-first, nineteen hundred and sixty, and that levies for the tax year nineteen hundred and sixty-one and for each subsequent tax year until the next general reassessment shall become effective, shall be extended on the basis of the general reassessment begun in nineteen hundred and fifty-nine and completed in nineteen hundred and sixty, subject to such changes as may have been lawfully made. The terms of the assessors appointed in any such county to make the general reassessment in nineteen hundred

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and fifty-nine are hereby extended to December thirty-first, nineteen hundred and sixty.

2. An emergency exists and this act is in force from its passage.

CHAPTER 344

An Act to authorize the State Library Board to erect a marker commemorating Operation Torch 1942.

[S 270]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. From funds provided by law, the State Library Board is authorized to erect in the city of Norfolk an appropriate historical marker commemorating Operation Torch 1942. Said marker shall bear substantially the following legend:

OPERATION TORCH
1942

During World War II the Nansemond Hotel was headquarters for the Commander of Amphibious Force U. S. Atlantic Fleet. Here, a joint Army-Navy Staff commanded by Admiral H. K. Hewitt and General George S. Patton, made plans for the movement of Task Force "A" from Hampton Roads, to occupy the shore of North Africa. Known as "Operation Torch", this was the first major amphibious action of the war.

CHAPTER 345

An Act to authorize and empower the Commission of Fisheries to grant to the Commonwealth Natural Gas Corporation a certain permanent easement of right of way under the waters of the James River near Hog Island between the counties of Surry and James City.

[S 286]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. The Commission of Fisheries, subject to the approval of the Governor, is authorized and empowered to grant and convey unto the Commonwealth Natural Gas Corporation, its successors and assigns, upon such terms and conditions as the Commission shall deem proper, a permanent easement of right of way for the purpose of laying, maintaining, operating and removing a pipe line for the transportation of gas under the waters of the James River. Such easement of right of way shall extend to the high water mark on both sides of the river and shall run under the river near Hog Island between the counties of Surry and James City.

CHAPTER 346

An Act to amend and reenact §§ 58-524 and 58-526 of the Code of Virginia, as amended, relating to property reports and reports of gross transportation receipts of railway and canal corporations.

[S 296]

Approved March 17, 1960

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Be it enacted by the General Assembly of Virginia:

1. That §§ 58-524 and 58-526 of the Code of Virginia be amended and reenacted as follows:

§ 58-524. Annual property report required.—Every railway and canal corporation of this State, not exempt from taxation by virtue of its charter, and every railway and canal corporation incorporated under the laws of any other state doing business in this State shall report on or before the fifteenth day of April, to the State Corporation Commission, all of its real and personal property of every description, as of the * *thirty-first day of December* preceding, the fair cash value thereof, showing particularly in what county or corporation and school district in this State such property is located, except only such part thereof as is segregated exclusively for State taxation and in what county or corporation the principal office or agency of such corporation is located. *The lien of the State or subdivision thereof for taxes levied on such property for all purposes for the year 1961 and each year thereafter shall attach to such property on the 31st day of December next preceding.*

The report shall classify such property under the following heads:

(1) Right-of-way, terminal and yard lands, and roadbed and trackage or canal bed, bridges, trestles and tunnels and all signals (track and crossing), and interlockers, buildings, structures and other improvements thereon, except only such improvements as are provided for in classes below mentioned;

(2) Depot and shop grounds and lots and all other lands used for common carrier purposes, except those included in class (1) above, and all buildings, structures and other improvements thereon, except only such improvements as are provided for in classes below mentioned;

(3) Real estate not included in other classes and all buildings, structures and other improvements thereon, except only such improvements as are provided for in classes below mentioned;

(4) Telephone and telegraph lines, together with telephone apparatus and equipment, power transmission and power distribution lines, with apparatus and equipment for use in connection therewith, and water pipe lines, as a part of all which shall be included poles, wire, cable, underground conduits and all other integral parts thereof and rights-of-way, wherever the rights-of-way are not reported under above classifications of real estate.

(5) Rolling stock, which shall include all locomotives, of whatever motive power, autocars, cars of very kind and description, canal boats and all other equipment which it is reasonably proper to class as rolling stock; provided, that foreign railway and canal corporations doing business in this State shall report and be assessed on the average amount of rolling stock habitually used by them in this State;

(6) Boats, and all other floating property and equipment except canal boats, machinery in shops, engine houses, power plants, substations, pump houses and all other machinery of every class and description and all furniture and office equipment of every kind and description;

(7) Stores, fuel, materials and supplies of every class and description;

(8) Stocks, bonds and other evidences of debt of other corporations and individuals and firms held by such company;

(9) Stock, bonds and other evidences of debts of any person or corporation belonging to any such company chartered in this State, in excess of its indebtedness, whether the same be held in trust or otherwise by some other person, firm or corporation, within or without this State, which, for the purpose of this chapter, shall be considered to be located at the principal office of such company in this State;

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(10) Money of the corporation, derived from actual transportation operations, on deposit with any bank or other corporation or firm or person, or in the possession or under the control of the corporation, whether such money be actually in or out of the State, and if such railway or canal is only in part within this Commonwealth, the money to be reported shall be such proportion of the total money on deposit, derived as aforesaid, as the gross earnings in Virginia bear to the gross earnings of the system;

(11) All other personal property of such company not enumerated in either of the foregoing heads, which would be taxable if the same belonged to an individual.

§ 58-526. Report of gross transportation receipts.—Every such corporation shall also report on or before the fifteenth day of April of every year the gross transportation receipts of the railway or canal for the year ending the thirty-first day of December preceding and in all cases the report shall be so made as to give the data on which the same is made. *The lien of the State for the anual State franchise tax for the calendar year 1961 and each year thereafter shall attach to all the properties to be reported by such corporation as provided in § 58-524 on the thirty-first day of December next preceding.*

CHAPTER 347

An Act to amend and reenact § 7-33.1 of the Code of Virginia, relating to sale of flags of the Commonwealth.

[H 254]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 7-33.1 of the Code of Virginia be amended and reenacted as follows:

§ 7-33.1. The * *Director of* the Department of Purchases and Supply, shall have available at all times flags of the Commonwealth of Virginia, to be offered for sale to the public in such manner as the * *Director* may determine.

Such flags shall be of good quality, shall conform to the specifications therefor prescribed in § 7-32, and shall be offered in the various sizes prescribed by the Governor pursuant to § 7-33.

The prices to be charged for such flags shall be at cost as determined by the * *Director.*

CHAPTER 348

An Act to amend the Code of Virginia by adding thereto a new section numbered 51-111.41:1, relating to the crediting to a member of the retirement system of certain prior periods of service.

[H 390]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a new section numbered 51-111.41:1 as follows:

§ 51-111.41:1. Any member of the retirement system in service who has held office as a justice of the peace prior to becoming a member of the

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retirement system and who was during such period devoting full time to the office, not being otherwise employed, or self-employed, may be credited with such period of service, provided that such member is a member under an agreement for coverage as provided in Article 4 of Chapter 3.2 of this Title, and the requirements therein for crediting prior service have been complied with, and further provided § 51-111.36 (b) shall not apply.

CHAPTER 349

An Act to amend and reenact § 58-411 of the Code of Virginia, relating to the definition of capital for the purposes of intangible personal property taxation.

[H 424]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-411 of the Code of Virginia be amended and reenacted as follows:

§ 58-411. Capital as used in this chapter is defined as follows:

(1) The inventory of stock on hand, which shall include all materials for use in the business, whether at the place of business, in storage or elsewhere in the State.

(2) The excess of all bills and accounts receivable over bills and accounts payable.

(3) All money on hand and on deposit.

(4) All other taxable personal property of any kind whatever, including all choses in action, equities, demands and claims, but excluding the property hereinafter specifically mentioned in § 58-412 *and insurance policies on the life of any person and the cash surrender value thereof.*

CHAPTER 350

An Act to amend and reenact § 1, as amended, of Chapter 236 of the Acts of Assembly of 1934, approved March 27, 1934, to further amend said chapter by adding thereto sections numbered 2 and 3, relating to the shooting and gigging of certain fish in the counties of Scott and Russell, and to repeal Chapter 190 of the Acts of Assembly of 1948, approved March 11, 1948, relating to shooting certain fish in certain waters in Scott County.

[H 506]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1, as amended, of Chapter 236 of the Acts of Assembly of 1934, approved March 27, 1934, be amended and reenacted, and that said chapter be further amended by adding thereto §§ 2 and 3, as follows:

§ 1. It shall be unlawful for any person * to shoot any fish in the waters of Clinch River in the county of Russell, but it shall be lawful to gig for any fish not classed as game fish in * *the waters of Clinch River and its tributaries in the* counties of Russell and Scott in the daytime, or at night with lights, at any time except during the closed season as prescribed by law; anything in any other act, to the contrary notwithstanding.

§ *2. It shall be lawful for any resident of this State, who has a cur-*

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rent license to fish, to take by means of shooting with a rifle, suckers, red-horse and carp in the shoals of the waters of Clinch River, within the limits of Scott County, except within two hundred yards of the Speers Ferry dam, and in the waters of the South fork of Holston River in Washington County, during daylight hours, from April fifteenth to May thirty-one, both inclusive, of any year, provided that the bag limit for such fish, during any such open season, shall not exceed twenty in any one day.

Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

§ 3. All laws, and all regulations of the Commission of Game and Inland Fisheries, in conflict with the preceding section are repealed to the extent of such conflict.

2. That Chapter 190 of the Acts of Assembly of 1948, approved March 11, 1948, is repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 351

An Act to amend Chapter 335 of the Acts of Assembly of 1958, approved March 29, 1958, which created the Virginia Civil War Commission, by adding sections numbered 5-a and 5-b, authorizing the Commission to form or participate in the formation of a nonprofit corporation or corporations, and to contract with and grant funds to public and private agencies to effectuate its objectives.

[H 572]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That Chapter 335 of the Acts of Assembly of 1958, approved March 29, 1958, be amended by adding sections numbered 5-a and 5-b, as follows:

§ 5-a. The Commission is hereby authorized to form or participate in the formation of a nonprofit corporation or corporations to assist the Commission in carrying out the purposes of this act and to such end may apply for and receive corporate charters and amendments thereto.

§ 5-b. The Commission may contract with public and private agencies and groups for effectuating its objectives and may grant funds to such agencies and groups to be expended for such purposes.

CHAPTER 352

An Act to amend and reenact § 33-15.1 of the Code of Virginia, relating to furnishing information regarding certain right of way transactions.

[H 584]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 33-15.1 of the Code of Virginia be amended and reenacted as follows:

§ 33-15.1. Upon written request to the central office of the Department of Highways, the State Highway Commission shall furnish information regarding right of way transactions where any public funds are

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expended. Such information shall not be released prior to * *sixty days* following the transaction to any person not a party directly interested in such transaction.

The information referred to herein shall consist of the following: (1) Name of the person to whom any sum was paid for land or interest therein; (2) the amount of land or interest therein acquired from such person; and (3) the amount paid such person for land and the amount paid for damage resulting to the remaining property of such person.

CHAPTER 353

An Act to prohibit deer hunting within one hundred yards of any primary or secondary highway in Stafford County.

[H 645]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be unlawful for any person to hunt deer within one hundred yards of any primary or secondary highway in Stafford County. Any person violating the terms of this section shall be deemed guilty of a misdemeanor.

CHAPTER 354

An Act to designate that period of time between January nineteenth and February twenty-second, nineteen hundred sixty-one, and the same period of time of each succeeding year as Virginia and American History Month.

[H 677]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. That that period of time between January nineteenth and February twenty-second, nineteen hundred sixty-one, both inclusive, and the same period of time of each succeeding year is designated as Virginia and American History Month in special tribute to the founders, builders, and preservers of this Commonwealth and Nation.

CHAPTER 355

An Act to amend and reenact § 29-184.3, as amended, of the Code of Virginia, relating to enforcement of dog laws by dog wardens in certain counties.

[H 697]

Approved March 17, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-184.3, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-184.3. (a) Notwithstanding any other provision of law, in the counties of Augusta and Roanoke, and in the counties of Orange, Patrick,

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Henry *, Giles *and Spotsylvania* if the respective governing bodies of the said counties shall so certify by resolution, the enforcement of the dog laws shall be vested in a dog warden and deputy dog wardens, and upon the appointment therein of a dog warden and deputy dog wardens the game warden shall have no jurisdiction as to the enforcement of the dog laws. In such county the judge of the circuit court shall appoint from a list of not less than three nor more than five persons nominated by the governing body of the county an officer to be known as the dog warden, who shall have exclusive jurisdiction as to the enforcement of the dog laws in the county; the judge may also so appoint, from a similar list of not less than three nor more than seven persons, such number of deputy dog wardens as are requested by the governing body. Such deputy dog wardens shall have the powers and duties of a dog warden. The dog warden and deputy dog warden shall have all the powers and duties of a game warden in the enforcement of the dog laws. The dog warden and deputy dog wardens shall be paid such compensation as the governing body of the county may prescribe.

(b) The lists of nominations so made by such governing body shall be submitted to the court or the judge thereof in vacation not later than the fifteenth day of June of each year and the appointments shall be made by the court or judge on or before the thirtieth day of June for one year commencing on the first day of July and expiring on the thirtieth day of June next succeeding.

(c) In such county the amount of the dog license tax, which in no event shall be more than four dollars per dog, shall be fixed by ordinance adopted by the governing body of such county, and thereafter the tax imposed under § 29-184 shall not apply therein. The entire amount collected for dog license taxes in the county shall be paid into the county treasury, the provisions of §§ 29-206 and 29-209 to the contrary notwithstanding.

(d) All other provisions of Chapter 9 (§ 29-183 et seq.) of this title shall apply mutatis mutandis to any such county and dog wardens and deputy dog wardens therein.

Provided, however, that any county which has adopted the county manager form of organization and government provided by Chapter 11 (§ 15-266 et seq.), Title 15, shall appoint such dog warden and deputy dog wardens in the same manner as are other employees as provided in § 15-314.

CHAPTER 356

An Act to amend and reenact § 54-260.25 of the Code of Virginia, relating to funeral directors, so as to provide exemption from examination to certain persons who were hospitalized in a veteran's hospital due to service-connected disability.

[H 111]

Approved March 18, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-260.25 of the Code of Virginia be amended and reenacted as follows:

§ 54-260.25. The examination for funeral director's license shall be both theoretical and practical and shall embrace the subjects of bacteriology, care and disposition of the dead, disinfection and sanitation, infectious and contagious diseases, mortuary law and administration and such other subjects as the Board may from time to time deem appropriate and

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necessary to establish a reasonable knowledge of the care and disposition of the dead and of the sanitation and disinfection of the bodies of deceased persons, their clothing, bedding and living quarters, and competence to engage in the profession or business of funeral directing and as the board may set out in its rules, regulations and by-laws. The examination shall be written or partly written and partly oral and by practical demonstration, but the Board may at any examination or from time to time dispense with either or both the oral or practical demonstration part of the examination; *provided, that no examination shall be required of any person who was a licensed embalmer in this State on June twenty-eight, nineteen hundred and thirty-six, and is the holder of an embalmer's license on the effective date of this act, who by reason of a service-connected disability was hospitalized in a veteran's hospital on June twenty-eight, nineteen hundred and thirty-six, and who has been from January first, nineteen hundred and thirty-eight continuously associated and connected with a business conducting "Funeral directing" as defined in § 54-260.1 of the Code. Any person entitled to exemption hereunder shall file, not later than sixty days after the effective date of this act, with the President of the Virginia Board of Funeral Directors and Embalmers an application for license as a "Funeral Director", which application when verified by the affidavit of the applicant and supported by documentary evidence of such hospitalization shall entitle such person, if he is the holder of such license as an embalmer, to a funeral director's license.*

CHAPTER 357

An Act to amend and reenact §§ 32-195.1, 32-195.2, 32-195.8 and 32-195.16 of the Code of Virginia, relating to contracts and plans for future hospitalization, medical and surgical services, and to repeal §§ 32-195.6 and 32-195.7 of the Code of Virginia, providing that rates for such contracts and plans shall be fixed by the State Corporation Commission.

[H 533]

Approved March 29, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 32-195.1, 32-195.2, 32-195.8 and 32-195.16 of the Code of Virginia be amended and reenacted as follows:

§ 32-195.1. A hospital or a group of hospitals may conduct directly or through an agent, who may be either an individual or a non-stock corporation, a plan or plans for furnishing prepaid hospital *and similar or related* services.

§ 32-195.2. A group of physicians may conduct directly or through an agent, who may be either an individual or a non-stock corporation, a plan or plans for furnishing prepaid medical or surgical *and similar or related* services or both.

§ 32-195.8. * §§ *38.1-29, 38.1-44 to 38.1-57, 38.1-99 to 38.1-104, 38.1-159 to 38.1-165, 38.1-174 to 38.1-178, and 38.1-342.1 of the laws relating to insurance shall, insofar as they are not inconsistent with this chapter, apply to the operation of a plan.* A plan may make payments to a nonparticipating hospital or physician for services rendered a person included in a subscription contract; but no payments shall be made by a plan to a person included in a subscription contract unless it be for breach of contract or unless it be for *contractually included costs incurred by such person or for* services received and paid for by such person and rendered by a nonparticipating hospital or physician *.

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§ 32-195.16. Advertising Matter—In the operation of a plan it shall be unlawful to use any misleading advertising matter *or subscription applications or contracts, whether* written or oral.

2. That §§ 32-195.6 and 32-195.7 of the Code of Virginia are repealed.

3. An emergency exists and this act is in force from its passage.

CHAPTER 358

An Act to revise, rearrange, amend and recodify the general laws of Virginia relating to crimes and offenses generally; to that end to repeal Title 18 of the Code of Virginia, which title includes Chapters 1 to 11 and §§ 18-1 to 18-366, inclusive, of the Code of Virginia, as amended, which title relates to crimes and offenses generally; to amend the Code of Virginia by adding thereto in lieu of the foregoing title, chapters and sections of the Code repealed by this act a new title numbered 18.1, which title includes eight new chapters numbered 1 to 8, both inclusive, and new sections numbered §§ 18.1-1 to 18.1-429, both inclusive, relating to crimes and offenses generally; to prescribe when such revision and recodification shall become effective; and to repeal all acts and parts of acts in conflict with the provisions of this act.

[S 1]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That Title 18 of the Code of Virginia, which title includes Chapters 1 to 11 and §§ 18-1 to 18-366, inclusive, of the Code of Virginia, as amended, is repealed.

2. That the Code of Virginia be amended by adding thereto, in lieu of the title, chapters and sections of the Code of Virginia herein repealed, a new title numbered 18.1, eight new chapters numbered 1 to 8, both inclusive, and new sections numbered 18.1-1 to 18.1-429, both inclusive, which new title, chapters and sections are as follows:

CHAPTER 1
GENERAL PROVISIONS

ARTICLE 1
TRANSITION PROVISIONS

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§ 18.1-1. All acts and parts of acts, all sections of this Code, and all provisions of municipal charters, inconsistent with the provisions of this title, are, except as herein otherwise provided, repealed to the extent of such inconsistency.

§ 18.1-2. The repeal of Title 18 effective as of July 1, 1960, shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing on or before such date, or any prosecution, suit or action pending on that day. Except as herein otherwise provided, neither the repeal of Title 18 nor the enactment of this title shall apply to offenses committed prior to July 1, 1960, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this section, an offense was committed prior to July 1, 1960, if any of the essential elements of the offense occurred prior thereto.

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§ 18.1-3. Any notice given, recognizance taken, or process or writ issued before July 1, 1960, shall be valid although given, taken or to be returned to a day after such date, in like manner as if this title had been effective before the same was given, taken or issued.

§ 18.1-4. Whenever in this title any of the conditions, requirements, provisions or contents of any section, article or chapter of Titles 18 and 19, as such titles existed prior to July 1, 1960, are transferred in the same or in modified form to a new section, article or chapter of this title or of Title 19.1 and whenever any such former section, article or chapter is given a new number in this title or in Title 19.1 all references to any such former section, article or chapter of Title 18 or of Title 19 appearing elsewhere in this Code than in this title or in Title 19.1 shall be construed to apply to the new or renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

ARTICLE 2

PROVISIONS OF A GENERAL NATURE

§ 18.1-5. In the construction of this title, and of each section thereof, the rules of construction set forth in Chapter 2 of Title 1 of this Code shall be observed, unless such construction would be inconsistent with the manifest intent of the General Assembly.

The word "court" as used in this title, unless otherwise clearly indicated by the context in which it appears, shall mean and include any court vested with appropriate jurisdiction under the Constitution and laws of this Commonwealth.

The word "judge" as used in this title, unless otherwise clearly indicated by the context in which it appears, shall mean and include any judge, associate judge or substitute judge, or police justice, of any court.

The words "motor vehicle", "semitrailer", "trailer" and "vehicle" as used in this chapter shall have the respective meanings assigned to them by § 46.1-1 of this Code.

§ 18.1-6. Offenses are either felonies or misdemeanors. Such offenses as are punishable with death or confinement in the penitentiary are felonies; all other offenses are misdemeanors.

§ 18.1-7. The commission of a felony shall not stay or merge any civil remedy.

§ 18.1-8. A common law offense, for which punishment is prescribed by statute, shall be punished only in the mode so prescribed.

§ 18.1-9. A misdemeanor for which no punishment or no maximum punishment is prescribed by statute shall be punished by fine not exceeding five hundred dollars or confinement in jail not exceeding twelve months, or both, in the discretion of the jury or of the court trying the case without a jury.

§ 18.1-10. No crime shall be punished with death unless it be authorized by statute.

ARTICLE 3

PARTIES TO OFFENSES

§ 18.1-11. In the case of every felony, every principal in the second degree and every accessory before the fact may be indicted, tried, convicted and punished in all respects as if a principal in the first degree, and every accessory after the fact shall be confined in jail not more than one year and fined not exceeding one thousand dollars.

§ 18.1-12. No person in the relation of husband or wife, parent or grandparent, child or grandchild, brother or sister, by consanguinity or affinity, or servant to the offender, who, after the commission of a felony,

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shall aid or assist a principal felon or accessory before the fact to avoid or escape from prosecution or punishment, shall be deemed an accessory after the fact.

§ 18.1-13. An accessory, either before or after the fact, may, whether the principal felon be convicted or not, or be amenable to justice or not, be indicted, tried, convicted and punished in the county or corporation in which he became accessory, or in which the principal felon might be indicted. Any such accessory before the fact may be indicted either with such principal or separately.

§ 18.1-14. Any person eighteen years of age or older, including the parent of any child, who shall cause or encourage any child under the age of eighteen years to commit any misdemeanor, or who shall send or cause any such child to go into any place for an unlawful purpose, or who shall in any way subject any such child to vicious or immoral influences, or who shall induce, cause, encourage or contribute toward the dependency, neglect or delinquency of any such child, shall be guilty of a misdemeanor; but when the offense consists of having or attempting to have intercourse with any female child under the age of eighteen years, the fact that such female was not of previous chaste character or had been married may be shown in mitigation. This section shall not be construed as repealing, modifying or in any way affecting §§ 18.1-11, 18.1-41, 18.1-44, 18.1-45, and 18.1-196.

§ 18.1-15. If any person shall conspire or confederate or combine with another in the State to murder, rape, rob or abduct any person or to commit arson or burglary, either within or without the State, he shall be guilty of a felony and shall be confined in the penitentiary for a period of not less than one nor more than twenty years; provided, however, that any person who shall conspire or confederate or combine with another in this State to abduct any person may, in the discretion of the jury or the court trying the case without a jury, be confined in jail for not more than twelve months or fined not more than one thousand dollars, either or both; provided, further, that any parent who shall conspire or confederate or combine with another to commit abduction punishable as a misdemeanor under § 18.1-37 shall be guilty of a misdemeanor. If any person shall conspire or confederate or combine with another in the State to break and enter or maliciously burn any building, either within or without the State, he shall be guilty of a felony and shall be confined in the penitentiary for a period of not less than one nor more than ten years. Jurisdiction for the trial of any such person shall be in the county or city wherein any part of such conspiracy is planned or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

§ 18.1-15.1. If any person shall conspire, confederate or combine with another or others in this State to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by confinement in jail not exceeding twelve months, or by both such fine and imprisonment.

Jurisdiction for the trial of any such person shall be in the county or city wherein any part of such conspiracy is planned, or in the county or city wherein any act is done toward the consummation of such plan or conspiracy.

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ARTICLE 4

ATTEMPTS

§ 18.1-16. Every person who attempts to commit an offense which is punishable with death, shall be confined in the penitentiary not less than one nor more than twenty years, except that attempts to commit rape, other than rape not punishable with death, shall be punishable with death or, in the discretion of the jury or the court trying the case without a jury, by confinement in the penitentiary for life or for any term not less than three years.

§ 18.1-17. Every person who attempts to commit an offense which is a noncapital felony shall be confined in the penitentiary not less than one nor more than ten years, or, in the discretion of the jury or the court trying the case without a jury, may be confined in jail not exceeding twelve months and fined not exceeding one thousand dollars, either or both.

§ 18.1-18. Every person who attempts to commit an offense which is a noncapital felony punishable by confinement in the penitentiary for a period of less than five years shall be confined in the penitentiary for a period of one year, or, in the discretion of the jury or the court trying the case without a jury, may be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars, either or both.

§ 18.1-19. Every person who attempts to commit an offense which is a misdemeanor shall be confined in jail not exceeding six months or fined not exceeding two hundred and fifty dollars, either or both.

§ 18.1-20. Any provision in this article notwithstanding, in no event shall the punishment for an attempt to commit an offense exceed the maximum punishment had the offense been committed.

CHAPTER 2

OFFENSES AGAINST THE PERSON

ARTICLE 1

HOMICIDE

§ 18.1-21. Murder by poison, lying in wait, imprisonment, starving, or by any wilful, deliberate, and premeditated killing, or in the commission of, or attempt to commit, arson, rape, robbery or burglary is murder of the first degree. All other murder is murder of the second degree.

§ 18.1-22. Murder of the first degree shall be punished with death, or by confinement in the penitentiary for life, or for any term not less than twenty years.

§ 18.1-23. Murder of the second degree shall be punished by confinement in the penitentiary not less than five nor more than twenty years.

§ 18.1-24. Voluntary manslaughter shall be punished by confinement in the penitentiary not less than one nor more than five years.

§ 18.1-25. Involuntary manslaughter shall be punished by confinement in the penitentiary not less than one nor more than five years, or, in the discretion of the jury or the court trying the case without a jury, by a fine of not exceeding one thousand dollars, or confinement in jail not exceeding one year, or both.

§ 18.1-26. If any person be stricken or poisoned in this State, and die by reason thereof out of this State, the offender shall be as guilty, and shall be prosecuted and punished, as if the death had occurred in the county or corporation in which the stroke or poison was given or administered.

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ARTICLE 2

LYNCHING

§ 18.1-27. Any collection of people, assembled for the purpose and with the intention of committing an assault or a battery upon any person and without authority of law, shall be deemed a "mob".

§ 18.1-28. Any act of violence by a mob upon the body of any person, which shall result in the death of such person, shall constitute a "lynching".

§ 18.1-29. Every lynching shall be deemed murder. Any and every person composing a mob and any and every accessory thereto, by which any person is lynched, shall be guilty of murder, and upon conviction, shall be punished as provided in Article 1 of this chapter.

§ 18.1-30. Any and every person composing a mob which shall maliciously or unlawfully shoot, stab, cut or wound any person, or by any means cause him bodily injury with intent to maim, disable, disfigure or kill him, shall be confined in the penitentiary for not less than one nor more than twenty years.

§ 18.1-31. Any and every person composing a mob which shall commit a simple assault or battery shall be guilty of a misdemeanor.

§ 18.1-32. The attorney for the Commonwealth of any county or city in which a lynching may occur shall promptly and diligently endeavor to ascertain the identity of the persons who in any way participated therein, or who composed the mob which perpetrated the same, and have them apprehended, and shall promptly proceed with the prosecution of any and all persons so found; and to the end that such offenders may not escape proper punishment, such attorney for the Commonwealth may be assisted in all such endeavors and prosecutions by the Attorney General, or other prosecutors designated by the Governor for the purpose; and the Governor may have full authority to spend such sums as he may deem necessary for the purpose of seeking out the identity, and apprehending the members of such mob.

§ 18.1-33. No provision of this article shall be construed to relieve any member of a mob from civil liability to the personal representative of the victim of a lynching.

§ 18.1-34. Every person suffering death from a mob attempting to lynch another person shall come within the provisions of this article, and his personal representative shall be entitled to relief in the same manner and to the same extent as if he were the originally intended victim of such mob.

§ 18.1-35. Jurisdiction of all actions and prosecutions under any of the provisions of this article shall be in the circuit court of the county, or corporation court of the city, wherein a lynching may occur, or of the county or city from which the person lynched may have been taken, as aforesaid.

ARTICLE 3

KIDNAPPING AND RELATED OFFENSES

§ 18.1-36. Any person, who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes the person of another, with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction"; but the provisions of this section shall not apply to any law enforcement officer in the performance of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code.

§ 18.1-37. Abduction for which no punishment is otherwise prescribed shall be punished by confinement in the penitentiary for not less than one

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year nor more than twenty years, or, in the discretion of the jury or the court trying the case without a jury, by confinement in jail for not more than twelve months or a fine of not more than one thousand dollars, either or both; provided, however, that such offense, if committed by the parent of the person abducted and not punishable as contempt of court in any proceeding then pending, shall be a misdemeanor.

§ 18.1-38. Abduction with the intent to extort money, or pecuniary benefit, abduction against her will of any female with intent to defile her, and abduction of any female under sixteen years of age for the purpose of concubinage or prostitution shall be punished with death, or by confinement in the penitentiary for life or any term not less than three years.

§ 18.1-39. Any person who (1) threatens, or attempts, to abduct any other person with intent to extort money, or pecuniary benefit, or (2) assists or aids in the abduction of, or threatens to abduct, any female with the intent to defile her, or (3) assists or aids in the abduction of, or threatens to abduct, any female under sixteen years of age for the purpose of concubinage or prostitution, shall be punished by confinement in the penitentiary for not less than one nor more than twenty years, or, in the discretion of the jury or the court trying the case without a jury, by a fine of not more than one thousand dollars or by confinement in jail for not more than twelve months, or both such fine and confinement.

§ 18.1-40. Whenever it is brought to the attention of the members of the immediate family of any person that such person has been abducted, or that threats or attempts have been made to abduct any such person, such members shall make immediate report thereof to the police or other law enforcement officers of the county, city or town where such person resides, and shall render all such possible assistance to such officers in the capture and conviction of the person or persons guilty of the alleged offense. Any person violating any of the provisions of this section shall be punished by a fine of not less than five nor more than five hundred dollars, or by confinement in jail for not less than ten days nor more than six months, or both, in the discretion of the jury or the court trying the case without a jury.

ARTICLE 4

SEDUCTION, RAPE, ETC.

§ 18.1-41. If any person, under promise of marriage, conditional or unconditional, seduce and have illicit connection with any unmarried female of previous chaste character, or if any married man seduce and have illicit connection with any unmarried female of previous chaste character, he shall be punished by confinement in the penitentiary not less than two nor more than ten years. For the purpose of this section, the chastity of the female shall be presumed, in the absence of evidence to the contrary. In all criminal prosecutions for seduction under this section, evidence respecting the general reputation of the prosecutrix for chastity may be introduced either by the Commonwealth or the accused.

§ 18.1-42. No conviction under § 18.1-41 shall be had on the testimony of the female seduced, unsupported by other evidence, nor unless the indictment shall be found within two years after the commission of the offense.

§ 18.1-43. In any prosecution under § 18.1-41 the subsequent marriage of the parties may be pleaded in bar of a conviction.

§ 18.1-44. If any person carnally know a female of sixteen years of age or more against her will, by force, or carnally know a female child under that age or a female inmate of any hospital for the insane, who has been adjudged a lunatic, or any female who is an inmate or pupil of an institution for deaf, dumb, blind, feeble-minded, or epileptic persons, he

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shall, in the discretion of the court or jury, be punished with death, or confinement in the penitentiary for life, or for any term not less than five years. But if such female child be between the ages of fourteen and sixteen years and not an inmate or pupil of such institutions hereinbefore mentioned, and consents to the carnal knowledge, the punishment shall be confinement in the penitentiary not less than one nor more than twenty years.

§ 18.1-45. If the carnal knowledge be with the consent of the female between the ages of fourteen and sixteen years, and the female be not an inmate of such institution as heretofore mentioned, the subsequent marriage of the parties may be pleaded to any indictment found against the accused; whereupon, the court, upon proof of such marriage, and that the parties are living together as husband and wife, and that the accused has properly provided for, supported, and maintained and is at the time properly providing, supporting and maintaining the wife and the issue of such marriage, if any, shall continue the case from time to time and from term to term, until the wife shall arrive at the age of sixteen years, and thereupon the court shall dismiss the indictment already found against the accused for the aforesaid offense; but should the husband desert the wife before she shall attain to the age of sixteen years without just cause, any indictment found against him for such offense shall be tried without regard to the number of times the case shall have been continued, and whether such continuance be entered upon the order book or not.

§ 18.1-46. Upon the trial of any defendant under the two preceding sections, charged with unlawful carnal knowledge of a female child between the ages of fourteen and sixteen years, if the jury, or the court trying the case without a jury, shall find that such female child was of bad moral repute and also was a lewd female, at and before the time of the alleged offense, and that said unlawful carnal knowledge was with her consent, the defendant shall not be convicted of rape, but, if warranted by the evidence, the jury, or the court trying the case without a jury, may find the defendant guilty of contributing to the delinquency of a minor child or of fornication, and shall fix the defendant's punishment as provided by law for whichever of said offenses the defendant is convicted. Provided, however, that this provision shall not apply in any case where such female child is an inmate of any hospital for the insane, or is an inmate of an institution for deaf, dumb, blind, feeble-minded or epileptic persons, or is of unsound mind.

§ 18.1-47. Before or during the trial of an indictment for rape, or attempted rape, in which the female who is alleged to have been assaulted is a witness, the judge of the court in which the same is tried may, in his discretion, by an order entered of record, either in term time or in vacation, direct that the deposition of such witness be taken at a time and place designated in the order, and the judge may adjourn the taking thereof to such other times and places as he may deem necessary. Such deposition shall be taken by the judge, or by the clerk or any officer authorized to take depositions in the presence of the judge, in the county or city in which the offense was committed or the trial is had, and the judge shall rule upon all questions of evidence, and otherwise control the taking of the same as though it were taken in open court. At the taking of such deposition the attorney for the Commonwealth, as well as the accused and his attorneys, shall be present and they shall have the same rights in regard to the examination of such witness as if she were testifying in open court. But no other persons shall be present unless expressly permitted by the judge. Such deposition shall be read to the jury at the time such witness might have testified if such deposition had not been taken, and shall be considered by them, and shall have the same force and effect as though such testimony had been given orally in court. But the clerk of the

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court, in case no appeal is taken, shall, after the time for granting a writ of error has elapsed, withdraw the deposition from the record of the case and destroy the same. The judge may, in like manner, direct other depositions of witness, in rebuttal or otherwise, which shall be taken and read in the manner and under the conditions herein prescribed as to the first deposition. The cost of taking such depositions shall be paid by the Commonwealth.

ARTICLE 5

TRANSPORTING DANGEROUS ARTICLES

§ 18.1-48. Unless a different meaning is clearly required by the context:

(1) The term "highway" as used herein shall mean and include any public street, alley, road, tunnel, bridge, viaduct, turnpike or parkway.

(2) The term "dangerous articles" as used herein shall mean explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances and radioactive materials as hereinafter defined when transported as cargo.

(3) The word "person" as used herein shall mean and include any individual, partnership, association or corporation.

(4) The term "flammable liquids" as used herein shall mean any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open cup tester, as used for test of burning oils) at or below a temperature of 80 degrees F.

(5) The term "flammable solid" as used herein shall mean any solid substance other than an explosive, as hereinafter defined, which is liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing.

(6) The term "oxidizing material" as used herein shall mean any substance such as chlorate, permanganate, peroxide, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.

(7) The term "corrosive liquids" as used herein shall mean those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue will cause severe damage of such tissue by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals.

(8) The term "compressed gas" as used herein shall mean any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70 degrees F., or an absolute pressure exceeding 104 pounds per square inch at 130 degrees F., or both, or any liquid flammable material having a Reid vapor pressure exceeding 40 pounds per square inch absolute at 100 degrees F.

(9) The term "poisonous substances" shall mean liquids and gases of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life; or such liquid or solid substances as upon contact with fire or when exposed to air give off dangerous or intensely irritating fumes; or substances which are chiefly dangerous by external contact with the body or by being taken internally.

(10) The term "radioactive materials" as used herein shall mean any material or combination of materials that spontaneously emits ionizing radiation.

(11) The term "explosive" shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions,

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quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator, or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

§ 18.1-49. It shall be unlawful to ship or transport within the territorial limits of this Commonwealth, whether by motor vehicle, boat, aircraft, or any other means of conveyance, any dangerous article except in the manner prescribed by the State Corporation Commission. It shall be the duty of the Commission, from time to time, within its discretion, to promulgate rules and regulations fixing maximum amounts of various dangerous articles, except as to flammable liquids, which may be transported in any manner and the methods of packing and marking the same. In all instances in which such dangerous articles are transported by motor vehicle over the highways of this Commonwealth such motor vehicle must be conspicuously marked or placarded on each side and rear thereof with the word "DANGEROUS" or the common or generic name of the substance transported or its principal hazard; provided, however, that the Commission may, by regulation, prescribe with respect to specifically dangerous articles the minimum quantities below which no placard shall be required.

§ 18.1-50. Any violation of any provision of the foregoing section, or the rules and regulations of the Commission promulgated pursuant thereto, shall constitute a misdemeanor and shall be punishable, for a first offense, by a fine of not less than ten dollars nor more than fifty dollars, or by confinement in jail for a period not to exceed sixty days, or both, and for a subsequent offense, by a fine of not less than fifty dollars nor more than one thousand dollars, or by confinement in jail for not less than sixty days nor more than six months, or both.

§ 18.1-51. The enforcement of the provisions of the foregoing sections shall be the duty of the State Corporation Commission and the Department of State Police, together with all law enforcement and peace officers of this Commonwealth.

§ 18.1-52. The provisions herein shall not be construed so as to preclude the exercise of the regulatory powers of any agency, department or political subdivision of the Commonwealth having statutory authority to exclude dangerous articles or cargoes from specified highways or portions thereof.

§ 18.1-53. Nothing herein contained shall apply to shipment or transportation of dangerous articles in interstate commerce when packed, marked, labeled, or accompanied by shipping papers in conformity with the applicable regulations of the Interstate Commerce Commission and placarded in conformity therewith; nor to the regular military or naval forces of the United States, nor to the duly authorized militia of any State or Territory thereof, nor to the police or fire departments of this Commonwealth, providing the same are acting within their official capacity and in the performance of their duties; nor to motor vehicles when transporting bulk flammable liquids by tank truck.

ARTICLE 6

DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED

§ 18.1-54. It shall be unlawful for any person to drive or operate any automobile or other motor vehicle, car, truck, engine or train while under the influence of alcohol, brandy, rum, whisky, gin, wine, beer, lager beer, ale, porter, stout or any other liquid beverage or article containing alcohol or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature.

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§ 18.1-55. In any criminal prosecution under § 18.1-54, or similar ordinance of any county, city or town, no person shall be required to submit to a determination of the amount of alcohol in his blood at the time of the alleged offense as shown by a chemical analysis of his blood; however, any person arrested for a violation of § 18.1-54 or similar ordinance of any county, city or town shall be entitled to a determination of the amount of alcohol in his blood at the time of the alleged offense as shown by a chemical analysis of his blood, provided the request for such determination is made within two hours of his arrest. Any such person shall, at the time of his arrest, be informed by the arresting authorities of his right to such determination, and if he makes such request, the arresting authorities shall render full assistance in obtaining such determination with reasonable promptness.

Only a physician, registered professional nurse or laboratory technician, shall withdraw blood for the purpose of determining the alcoholic content therein. The blood sample shall be placed in a sealed container provided by the Chief Medical Examiner. Upon completion of taking of the sample, the container must be resealed in the presence of the accused after calling the fact to his attention. The container shall be especially equipped with a sealing device, sealed so as not to allow tampering, labelled and identified showing the person making the test, the name of the accused, the date and time of taking. The sample shall be delivered to the police officer for transporting or mailing to the Chief Medical Examiner. Upon receipt of the blood sample, the Chief Medical Examiner or an assistant Chief Medical Examiner shall examine it for alcoholic content and shall execute a certificate which certificate shall indicate the name of the accused, the date, time and by whom the same was received and examined, and a statement that the container seal had not been broken or otherwise tampered with and a statement of the alcoholic content of the sample. The certificate, attached to the container shall be returned to either the police officer making the arrest, the department from which it came, or to the clerk of the court in which the matter will be heard.

Upon the request of the person who was given a chemical test of blood, the results of such test shall be made available to him.

An amount not to exceed five dollars to cover the costs of taking blood and making an analysis thereof shall be taxed as part of the costs of the case.

Other than as expressly provided herein, the provisions of this section shall not otherwise limit the introduction of any competent evidence bearing upon any question at issue before the court.

§ 18.1-56. When any blood sample taken in accordance with the provisions of § 18.1-55 is forwarded for analysis to the Office of the Chief Medical Examiner, a report of the results of such analysis shall be made and filed in that office. Upon proper identification of such vial, tube or container, the copy of such certificate as provided for in § 18.1-55 shall, when duly attested by the Chief Medical Examiner, or any Assistant Chief Medical Examiner, be admissible in any court, in any criminal proceeding, as evidence of the facts therein stated and of the results of such analysis.

§ 18.1-57. In any prosecution for a violation of § 18.1-54, or any similar ordinance of any county, city or town, the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of the accused's blood in accordance with the provisions of § 18.1-55, shall give rise to the following presumptions:

(1) If there was at that time 0.05 per cent or less by weight of alcohol in the accused's blood, it shall be presumed that the accused was not under the influence of alcoholic intoxicants;

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(2) If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the accused's blood, such facts shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but such facts may be considered with other competent evidence in determining the guilt or innocence of the accused;

(3) If there was at that time 0.15 per cent or more by weight of alcohol in the accused's blood, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

§ 18.1-58. Any person violating any provision of § 18.1-54 shall be guilty of a misdemeanor and shall be punished, for a first offense by a fine of not less than one hundred dollars nor more than one thousand dollars or by confinement in jail for not less than one month nor more than six months, either or both in the discretion of the jury or the court trying the case without a jury. Any person convicted within any period of ten years of a second or other subsequent offense under § 18.1-54, or convicted of a first offense under § 18.1-54 after having been convicted within a period of ten years prior thereto of an offense under former § 18-75, shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars and by confinement in jail for not less than one month nor more than one year. For the purposes of this section a conviction or finding of not innocent in the case of a juvenile under the provisions of § 18.1-54, former § 18-75, the ordinance of any county, city or town in this State or the laws of any other state substantially similar to the provisions of §§ 18.1-54 through 18.1-57 of the Code shall be considered a prior conviction.

§ 18.1-59. The judgment of conviction or finding of not innocent in the case of a juvenile if for a first offense under § 18.1-54, or for a similar offense under any county, city or town ordinance, shall of itself operate to deprive the person so convicted or found of the right to drive or operate any such vehicle, conveyance, engine or train in this State for a period of one year from the date of such judgment, and if for a second or other subsequent offense within ten years thereof for a period of three years from the date of the judgment of conviction or finding of not innocent thereof. If any person has heretofore been convicted or found not innocent of violating any similar act of this State and thereafter is convicted or found not innocent of violating the provisions of § 18.1-54, such conviction or finding shall for the purpose of this section and § 18.1-58 be a subsequent offense and shall be punished accordingly; and the court may, in its discretion, suspend the sentence during the good behavior of the person convicted or found not innocent.

§ 18.1-60. If any person so convicted shall, during the time for which he is deprived of his right so to do, drive or operate any such vehicle, conveyance, engine or train in this State, he shall be guilty of a misdemeanor and shall be confined in jail not less than ten days nor more than six months and may in addition be fined not exceeding five hundred dollars; but nothing in this section or §§ 18.1-54, 18.1-58 or 18.1-59 shall be construed as conflicting with or repealing any ordinance or resolution of any city, town or county which restricts still further the right of such persons to drive or operate any such vehicle or conveyance.

§ 18.1-61. The clerk of every court of record and the judge of every court not of record shall, within thirty days after final conviction of any person in his court under the provisions of this article, report the fact thereof and the name, post office address and street address of such person, together with the license plate number on the vehicle operated by such person to the Commissioner of the Division of Motor Vehicles who shall preserve a record thereof in his office.

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ARTICLE 7

MISCELLANEOUS OFFENSES

§ 18.1-62. If any person administer to, or cause to be taken by a woman, any drug or other thing, or use means, with intent to destroy her unborn child, or to produce abortion or miscarriage, and thereby destroy such child, or produce such abortion or miscarriage, he shall be confined in the penitentiary not less than one nor more than ten years. No person, by reason of any act mentioned in this section, shall be punishable when such act is done in good faith, with the intention of saving the life of such woman or child.

§ 18.1-63. If any person, by publication, lecture, advertisement, or by the sale or circulation of any publication, or in any other manner, encourage or prompt the procuring of abortion or miscarriage, he shall be guilty of a misdemeanor.

§ 18.1-64. If any person administer or attempt to administer any poison or destructive thing in food, drink, medicine, or otherwise, or poison any spring, well, or reservoir of water with intent to kill or injure another person he shall be confined in the penitentiary not less than three nor more than twenty years.

§ 18.1-65. If any person maliciously shoot, stab, cut, or wound any person or by any means cause him bodily injury, with the intent to maim, disfigure, disable, or kill, he shall, except where it is otherwise provided, be confined in the penitentiary not less than three nor more than twenty years. If such act be done unlawfully but not maliciously, with the intent aforesaid, the offender shall, at the discretion of the jury, be confined in the penitentiary not less than one nor more than five years or be confined in jail not exceeding twelve months, and fined not exceeding five hundred dollars.

§ 18.1-66. If any person maliciously discharges a firearm within any building when occupied by one or more persons in such a manner as to endanger the life or lives of such person or persons, the person so offending shall, upon conviction thereof, be punished by confinement in the penitentiary for not less than one nor more than ten years. If any such act be committed unlawfully, but not maliciously, the person so offending shall, upon conviction thereof, be punished by confinement in the penitentiary not less than one nor more than three years, or, in the discretion of the jury or the court trying the case without a jury, be confined in jail not to exceed twelve months and fined not less than one hundred dollars nor more than five hundred dollars.

§ 18.1-67. If any person maliciously cause any other person bodily injury by means of any acid, lye or other caustic substance or agent, he shall be punished by confinement in the penitentiary for life or any term not less than one year.

§ 18.1-68. If any person, in the commission of, or attempt to commit, felony, unlawfully shoot, stab, cut or wound another person he shall be confined in the penitentiary not less than one nor more than five years, or, in the discretion of the jury or the court trying the case without a jury, be confined in jail not exceeding one year or fined not exceeding five hundred dollars, either or both.

§ 18.1-69. If any person wilfully discharge or cause to be discharged any firearm in any street in a city or town, or in any place of public business or place of public gathering, he shall be guilty of a misdemeanor; provided, that this section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose said wilful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

§ 18.1-70. If any person wilfully or intentionally release or cause

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or procure to be released in any private home, place of business or place of public gathering any tear gas, mustard gas, phosgene gas or other noxious or nauseating gases or mixtures of chemicals designed to, and capable of, producing vile or injurious or nauseating odors or gases, he shall be punished by confinement in the penitentiary for not less than one nor more than ten years or, in the discretion of the jury or the court trying the case without a jury, by a fine of not exceeding five hundred dollars or a jail sentence not exceeding twelve months, either or both. And if any person be physically injured by such gas or chemical combination, then the person releasing or placing, or causing to be released or placed, such noxious gases or chemical combinations, shall be confined in the penitentiary for a period of not less than one nor more than twenty years.

Nothing herein contained shall prevent the use of tear gas or other gases by police officers or other peace officers in the proper performance of their duties, or by any person or persons in the protection of person, life or property.

§ 18.1-71. It shall be unlawful to haze, or otherwise mistreat so as to cause bodily injury, any student at any school, college, or university receiving appropriations from the State treasury.

Any person found guilty thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or confined in jail not more than one year, or both, unless the injury would be such as to constitute a felony, and in that event the punishment shall be inflicted as is otherwise provided by law for the punishment of such felony.

Any person receiving bodily injury by hazing or mistreatment shall have a right to sue, civilly, the person or persons guilty thereof, whether adults or infants.

The president, or other presiding official of any school, college or university, as herein referred to, shall, upon satisfactory proof of the guilt of any student found guilty of hazing or mistreating another student so as to cause bodily injury, expel such student so found guilty, and shall make report thereof to the attorney for the Commonwealth of the county or city in which such school, college or university is, who shall present the same to the grand jury of such city or county convened next after such report is made to him.

§ 18.1-72. It shall be unlawful for any person, or persons, to display, exhibit, handle or use any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of any person.

Any person violating the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars nor more than one hundred and fifty dollars, or by confinement in jail not exceeding six months, or by both such fine and imprisonment.

§ 18.1-73. Every owner, operator, proprietor, superintendent or conductor of any sawmill or other manufacturing plant, or any other person who has caused to be dug on his own land or the land of another any well or pit for the use of such sawmill, plant or person, shall fill such well or pit with earth so that the same shall not be dangerous to human beings, animals or fowls at the time of or before such mill or plant shall be removed or such well or such pit otherwise abandoned; and any person owning land whereon any such well or pit is located shall in the same manner fill with earth any such well or pit which has been abandoned, provided such person has knowledge of the existence of such well or pit.

But in the case of mining operations in lieu of filling the shaft or pit the owner or operator thereof on ceasing operations in such shaft or pit shall securely fence the same and keep the same at all times thereafter securely fenced.

Any person violating any provision of this section shall be deemed

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guilty of a misdemeanor and upon conviction shall be fined not exceeding five hundred dollars.

§ 18.1-74. Every person owning or occupying any land on which there is a well having a diameter greater than six inches and which is more than ten feet deep shall at all times keep the same covered in such a manner as not to be dangerous to human beings, animals or fowls.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

CHAPTER 3

OFFENSES AGAINST PROPERTY

ARTICLE 1

ARSON AND OTHER OFFENSES INVOLVING FIRE

§ 18.1-75. If any person, in the nighttime, maliciously burn, or by use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel or procure the burning or destruction of any dwelling house or house trailer, whether the property of himself or of another, or any hotel, asylum, or other house in which persons usually dwell or lodge, or any railroad car, boat, or vessel, or river craft, in which persons usually dwell or lodge, or any jail or prison, or maliciously set fire to anything, or aid, counsel or procure the setting fire to anything, by the burning whereof such dwelling house, house trailer, hotel, asylum, or other house, or railroad car, boat, vessel, or river craft, jail or prison, shall be burned in the nighttime, he shall be guilty of arson and he shall be punished with death, or, in the discretion of the jury or the court trying the case without a jury, by confinement in the penitentiary for life or any term not less than five years; but if the jury or the court trying the case without a jury finds that at the time of committing the offense there was no person in such dwelling house, hotel, asylum, or other house, or in such railroad car, boat, vessel, or river craft, jail or prison, the offender shall be confined in the penitentiary for not less than five nor more than twenty years.

Any such burning or destruction in the daytime shall be punished by confinement in the penitentiary not less than three nor more than ten years.

§ 18.1-76. If any person in the nighttime maliciously burn, or by means of any explosive device or substance, destroy or cause to be burned or destroyed, in whole or in part, or aid, counsel or procure the burning or destruction of any barn, stable, shed, or other building containing livestock, whether such building be the property of himself or of another, the livestock being in the building at the time of the burning or destruction, he shall be punished by confinement in the penitentiary not less than three nor more than ten years.

§ 18.1-77. No outhouse, not adjoining a dwelling house, nor under the same roof, although within the curtilage thereof, shall be deemed a part of such dwelling house, within the meaning of this chapter, unless some person usually lodge therein at night.

§ 18.1-78. If any person maliciously burn, or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel, or procure the burning or destroying, of any meeting house, courthouse, townhouse, college, academy, schoolhouse, or other building erected for public use, except an asylum, hotel, jail or prison, or any banking house, warehouse, storehouse, manufactory, mill, or other house, whether the property of himself or of another person, not usually occupied by persons lodging therein at night, at a time when any person is therein, or if he maliciously set fire to anything, or cause to be set on fire, or aid, counsel, or procure the

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setting on fire of anything, by the burning whereof any building mentioned in this section shall be burned, at a time when any person is therein, he shall be confined in the penitentiary not less than three nor more than fifteen years. If such offense be committed when no person is in such building mentioned in this section, the offender shall be confined in the penitentiary not less than two nor more than ten years.

§ 18.1-78.1. Any person fourteen years of age or over who makes and communicates to another, whether by writing, telephone, telegraph, or other means, any threat to bomb, burn, destroy or in any manner damage any school building, church, meeting house, store building, factory, place of assembly, or any building, structure, or dwelling house, or aircraft, motor vehicle, or other means of public transportation, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than ten years or in the discretion of the court or jury trying the case be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

§ 18.1-78.2. Any person under the age of fourteen years who makes and communicates to another, whether by writing, telephone, telegraph, or other means, any threat to bomb, burn, destroy or in any manner damage any school building, church, meeting house, store building, factory, place of assembly, or any building, structure, or dwelling house, or aircraft, motor vehicle or other means of public transportation, shall be guilty of a misdemeanor.

§ 18.1-78.3. Any person fourteen years of age or over who communicates to another, whether by writing, telephone, telegraph or other means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any school building, church, meeting house, store building, factory, place of assembly, or any building, structure, or dwelling house, or aircraft, motor vehicle, or other means of public transportation, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than ten years or in the discretion of the court or jury trying the case be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

§ 18.1-78.4. Any person under the age of fourteen years who communicates to another, whether by writing, telephone, telegraph, or other means, information knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any school building, church, meeting house, store building, factory, place of assembly, or any building, structure, or dwelling house, or aircraft, motor vehicle, or other means of public transportation, shall be guilty of a misdemeanor.

§ 18.1-78.5. Any person fourteen years of age or over, including the parent of any child, who shall cause, encourage, incite, entice or solicit any person, including a child, to commit any act proscribed by the provisions of §§ 18.1-78.1, 18.1-78.2, 18.1-78.3 or 18.1-78.4, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than ten years or, in the discretion of the court or jury trying the case be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

§ 18.1-79. If any person maliciously set fire to or burn, or cause to be burned, or aid, counsel, or procure the burning of any personal property, standing grain or other crop, or any structure not a part of a dwelling house, he shall, if the thing burnt, with the property therein be of the value of one hundred dollars or more, be confined in the penitentiary not less than three nor more than ten years; and if the thing burnt with the property therein be of less value he shall be confined not less than two years nor more than five years.

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§ 18.1-80. If any person maliciously burn, or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel or procure the burning or destruction of any building, or other structure, whether the property of himself or of another, at a time when any person is therein, the burning or destruction whereof is not punishable under any other section of this chapter, he shall be confined in the penitentiary not less than three nor more than fifteen years. If he commits such offense at a time when no person is in such building, or other structure, and such building, or other structure, with the property therein, be of the value of one hundred dollars, or more, he shall be confined in the penitentiary not less than two nor more than ten years, and if it and the property therein be of less value, he shall be confined in the penitentiary not less than one nor more than five years.

§ 18.1-81. If any person maliciously burn, or by the use of any explosive device or substance, or by other means, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel, or procure the burning or destruction of any bridge, lock, or dam, he shall be confined in the penitentiary not less than one year nor more than ten years.

§ 18.1-82. If any person maliciously set fire to any wood, fence, grass, straw or other thing capable of spreading fire on land, he shall be confined in the penitentiary not less than one nor more than three years, or, in the discretion of the jury or court trying the case without a jury, be fined not less than five nor more than five hundred dollars and be confined in jail not less than one nor more than twelve months.

§ 18.1-83. Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw, or any other inflammable substance capable of spreading fire, and who intentionally allows the fire to escape to lands not his own, whereby the property of another is damaged or jeopardized, shall be fined not less than fifty nor more than five hundred dollars or be confined in jail not less than one nor more than six months, and shall be liable for the full amount of all expenses incurred in fighting the fire.

§ 18.1-84. If any person carelessly, negligently or intentionally set any woods or marshes on fire, or set fire to any stubble, brush, straw, or any other substance capable of spreading fire on lands, whereby the property of another is damaged or jeopardized, he shall be fined not less than ten nor more than one hundred dollars for each offense, and shall be liable for the full amount of all expenses incurred in fighting the fire.

§ 18.1-85. If any person wilfully set fire to or burn, or cause to be burned, or aid, counsel or procure the burning of any building, or any goods or chattels, which at the time are insured against loss or damage by fire, with intent to injure the insurer, whether such person be the owner of the property or not, he shall be confined in the penitentiary not less than one nor more than ten years.

ARTICLE 2

BURGLARY AND ROBBERY

§ 18.1-86. If any person break and enter the dwelling house of another in the nighttime with intent to commit a felony or larceny therein, he shall be guilty of burglary, though the things stolen, or intended to be stolen, be of less value than fifty dollars. If any person be guilty of burglary, he shall be punished with death, or, in the discretion of the jury or the court trying the case without a jury, by confinement in the penitentiary for life or any term not less than five years.

§ 18.1-87. If any person have in his possession any tools, implements or outfit, with intent to commit burglary, robbery, or larceny, he shall be confined in the penitentiary not less than one nor more than ten years. The

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possession of such burglarious tools, implements or outfit by any person other than a licensed dealer, shall be prima facie evidence of an intent to commit burglary, robbery or larceny.

§ 18.1-88. If any person in the nighttime enter without breaking or in the daytime break and enter a dwelling house or an outhouse adjoining thereto and occupied therewith or in the nighttime enter without breaking or break and enter either in the daytime or nighttime any office, shop, storehouse, warehouse, banking house, or other house, or any ship, vessel or river craft or any railroad car, or any automobile, truck, or trailer, if such automobile, truck or trailer is used as a dwelling or place of human habitation, with intent to commit murder, rape or robbery, he shall be deemed guilty of statutory burglary and shall be confined in the penitentiary not less than one nor more than twenty years.

§ 18.1-89. If any person do any of the acts mentioned in § 18.1-88, with intent to commit larceny, or any felony other than murder, rape or robbery, he shall be deemed guilty of statutory burglary and shall be confined in the penitentiary not less than one year nor more than ten years or, in the discretion of the jury or the court trying the case without a jury, confined in jail not exceeding twelve months or fined not exceeding five hundred dollars, either or both.

§ 18.1-90. If any person, armed with a deadly weapon shall enter any banking house, in the daytime or in the nighttime, with intent to commit larceny of money, bonds, notes, or other evidence of debt therein, he shall be punished with death, or by confinement in the penitentiary for life, or for any term not less than five years.

§ 18.1-91. If any person commit robbery by partial strangulation, or suffocation, or by striking or beating, or by other violence to the person, or by the threat or presenting of firearms, or other deadly weapon or instrumentality whatsoever, he shall be punished with death, or by confinement in the penitentiary for life, or for any term not less than five years. If any person commit a robbery in any other mode, or by any other means, he shall be confined in the penitentiary not less than five years nor more than twenty years.

ARTICLE 3

FORGERY

§ 18.1-92. If any person forge a public record, or certificate, return, or attestation, of any public officer, in relation to any matter wherein such certificate, return, or attestation may be received as legal proof, or utter, or attempt to employ as true, such forged record, certificate, return, or attestation, knowing the same to be forged, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 18.1-93. If any person forge, or keep or conceal any instrument for the purpose of forging the seal of the Commonwealth, the seal of a court, or of any public office, or body politic or corporate in this State, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 18.1-94. If any person (1) forge any coin current by law or usage in this State or any note or bill of a banking company, (2) fraudulently make any base coin, or a note or bill purporting to be the note or bill of a banking company, when such company does not exist, or (3) utter, or attempt to employ as true, or sell, exchange, or deliver, or offer to sell, exchange, or deliver, or receive on sale, exchange, or delivery, with intent to utter or employ, or to have the same uttered or employed as true, any such false, forged, or base coin, note or bill, knowing it to be so, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 18.1-95. If any person engrave, stamp, or cast, or otherwise make or mend, any plate, block, press, or other thing, adapted and designed for

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the forging and false making of any writing or other thing, the forging or false making whereof is punishable by this chapter, or if such person have in possession any such plate, block, press, or other thing, with intent to use, or cause or permit it to be used, in forging or false making any such writing or other thing, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 18.1-96. If any person forge any writing, other than such as is mentioned in §§ 18.1-92 and 18.1-94, to the prejudice of another's right, or utter, or attempt to employ as true, such forged writing, knowing it to be forged, he shall be confined in the penitentiary not less than two years nor more than ten years, or, in the discretion of the jury or the court trying the case without a jury, he shall be confined in jail not less than six months nor more than twelve months. Any person who shall obtain, by any false pretense or token, the signature of another person, to any such writing, with intent to defraud any other person, shall be deemed guilty of the forgery thereof, and shall be subject to like punishment.

§ 18.1-97. If any person have in his possession forged bank notes or forged or base coin, such as are mentioned in § 18.1-94, knowing the same to be forged or base, with the intent to utter or employ the same as true, or to sell, exchange, or deliver them, so as to enable any other person to utter or employ them as true, he shall, if the number of such notes or coins in his possession at the same time, be ten or more, be confined in the penitentiary not less than one nor more than five years; and if the number be less than ten, he shall be punished as for a misdemeanor.

§ 18.1-98. If any clerk of a court, commissioner of the revenue, physician, surgeon, medical examiner or minister celebrating a marriage, or clerk or keeper of the records of any religious society, shall, in any book, register, record, certificate or copy which such person is by Title 20 required to keep, make, or give, knowingly make any false, erroneous, or fraudulent entry, record, registration, or written statement, he shall, for every such offense, be fined not less than one hundred nor more than five hundred dollars.

§ 18.1-99. If any person, upon whose information or statement any record or registration may lawfully be made under Title 20, knowingly give any false information, or make any false statement to be used for the purpose of making any such record or registration, he shall, for every such offense, be fined not less than fifty nor more than one hundred dollars.

ARTICLE 4

LARCENY, EMBEZZLEMENT, OBTAINING MONEY UNDER FALSE PRETENSES, ETC.

§ 18.1-100. Any person who:

(1) Commits larceny from the person of another of money or other thing of the value of five dollars or more, or

(2) Commits simple larceny not from the person of another of goods and chattels of the value of fifty dollars or more, shall be deemed guilty of grand larceny and shall be punished by confinement in the penitentiary not less than one nor more than twenty years, or, in the discretion of the jury or the court trying the case without a jury, by confinement in jail not exceeding twelve months or by a fine not exceeding one thousand dollars, either or both.

§ 18.1-101. Any person who:

(1) Commits larceny from the person of another of money or other thing of value of less than five dollars, or

(2) Commits simple larceny not from the person of another of goods and chattels of the value of less than fifty dollars, shall be deemed guilty of petit larceny, which shall be punishable as a misdemeanor.

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§ 18.1-102. Any person who shall be guilty of the larceny of a horse, mule, cow, steer, bull or calf shall be punished by confinement in the penitentiary not less than three nor more than twenty years; and any person who shall be guilty of the larceny of any poultry of the value of five dollars or more, but of the value of less than fifty dollars, or of a dog, sheep, lamb, swine, or goat, of the value of less than fifty dollars, shall, in the discretion of the jury or court trying the case without a jury, be confined in the penitentiary not less than one nor more than ten years or be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

§ 18.1-103. (a) Any vehicle knowingly used by the owner thereof or used by another with his knowledge for the transportation of any stolen animal or poultry the larceny of which is punishable under § 18.1-102, or farm produce or forest products, when the value of such stolen animal, poultry, produce or forest products is fifty dollars or more, shall be forfeited to the Commonwealth and shall be seized by any law enforcement officer arresting the operator of such vehicle for larceny of such animals, poultry, produce or forest products and by him delivered to the sheriff of the county or sergeant of the city in which such arrest is made, and a receipt taken therefor.

(b) Thereafter, forfeiture of such vehicle shall be enforced as is provided in § 4-56 of the Code of Virginia as to vehicles used for the transportation of illegally acquired alcoholic beverages, and the provisions of § 4-56 shall apply, mutatis mutandis, to proceedings for the enforcement of such forfeiture.

§ 18.1-104. If any person steal any bank note, check, or other writing or paper of value, whether the same represents money and passes as currency, or otherwise, or any book of accounts, for or concerning money or goods due or to be delivered, he shall be deemed guilty of larceny thereof, and receive the same punishment, according to the value of the thing stolen, prescribed for the punishment of the larceny of goods and chattels. The provisions of this section shall be construed to embrace all bank notes and papers of value representing money and passing as currency, whether the same be the issue of this State or any other state, or of the United States, or of any corporation, and shall include all other papers of value, of whatever description.

§ 18.1-105. In a prosecution under the preceding section, the money due on or secured by the writing, paper or book, and remaining unsatisfied, or which in any event might be collected thereon, or the value of the property or money affected thereby, shall be deemed to be the value of the article stolen.

§ 18.1-106. Things which savor of the realty, and are at the time they are taken part of the freehold, whether they be of the substance or produce thereof, or affixed thereto, shall be deemed goods and chattels of which larceny may be committed, although there be no interval between the severing and taking away.

§ 18.1-107. If any person buy or receive from another person, or aid in concealing, any stolen goods or other thing, knowing the same to have been stolen, he shall be deemed guilty of larceny thereof, and may be proceeded against, although the principal offender be not convicted.

§ 18.1-108. If any person fraudulently sell, pledge, encumber, remove, destroy, receive or secrete any goods, chattels or other personal property of any kind whatsoever that has been distrained or levied upon, with intent to defeat such distress or levy, he shall be deemed guilty of the larceny thereof. And any person who under the provisions of this section would be guilty of grand larceny, shall, in the discretion of the jury or the court trying the case without a jury, be confined in the

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penitentiary not less than one year nor more than ten years, or be confined in jail not exceeding twelve months or fined not exceeding one thousand dollars, either or both.

§ 18.1-109. If any person wrongfully and fraudulently use, dispose of, conceal or embezzle any money, bill, note, check, order, draft, bond, receipt, bill of lading or any other personal property, tangible or intangible, which he shall have received for another or for his employer, principal or bailor, or by virtue of his office, trust, or employment, or which shall have been entrusted or delivered to him by another or by any court, corporation or company, he shall be deemed guilty of larceny thereof, and may be indicted as for simple larceny. But proof of embezzlement under this section shall be sufficient to sustain the charge. On the trial of every indictment for larceny, however, the defendant, if he demands it, shall be entitled to a statement in writing from the attorney for the Commonwealth of what statute he intends to rely upon to ask for conviction.

§ 18.1-110. If any officer, agent or employee of the State or of any city, town or county or the deputy of any such officer having custody of public funds knowingly misuse or misappropriate the same or knowingly dispose thereof otherwise than in accordance with law, he shall be confined in the penitentiary not less than one nor more than twenty years; and any default of such officer, agent, employee or deputy in paying over any such funds to the proper authorities when required by law to do so shall be deemed prima facie evidence of his guilt.

§ 18.1-111. If any officer or clerk of any bank or joint stock company make, alter or omit to make any entry in any account kept in such bank, or by such company, with intent, in so doing, to conceal the true state of such account, or to defraud such bank or company, or to enable or assist any person to obtain money to which he was not entitled, such officer or clerk shall be confined in the penitentiary not less than one nor more than twenty years.

§ 18.1-112. If any person store or ship goods, wares, merchandise, grain, flour or other produce or commodity, in his own name, being in the possession thereof for or on account of another, and sell, negotiate, pledge or hypothecate the same or any part thereof, or the receipts or bill of lading received therefor, and fraudulently fail to account for or pay over to his principal or the owner of the property the amount so received on such sale, negotiation, pledge or hypothecation, he shall be deemed guilty of larceny thereof.

§ 18.1-113. If any person obtain from another an advance of money, merchandise or other thing, upon a promise in writing that he will send or deliver to such other person his crop or other property, and fraudulently fail or refuse to perform such promise, and also fail to make good such advance, he shall be deemed guilty of the larceny of such money, merchandise or other thing.

§ 18.1-114. If any person enter into a contract of employment, oral or written, for the performance of personal service to be rendered within one year, in and about the cultivation of the soil, and, at any time during the pendency of such contract, thereby obtain from the landowner, or the person so engaged in the cultivation of the soil, advances of money or other thing of value under such contract, with intent to injure or defraud his employer, and fraudulently refuses or fails to perform such service or to refund such money or other thing of value so obtained, he shall be guilty of a misdemeanor. But no prosecution hereunder shall be commenced more than sixty days after the breach of such contract.

§ 18.1-115. It shall be unlawful for any person renting the lands of another, either for a share of the crop or for money consideration, to

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remove therefrom, without the consent of the landlord, any part of such crop until the rents and advances are satisfied. Every such offense shall be deemed a misdemeanor, and punished accordingly.

§ 18.1-116. Whenever any person is in possession of any personal property, including motor vehicles, in any capacity, the title or ownership of which he has agreed in writing shall be or remain in another, or on which he has given a lien, and such person so in possession shall fraudulently sell, pledge, pawn or remove such property from the premises where it has been agreed that it shall remain, and refuse to disclose the location thereof, or otherwise dispose of the property or fraudulently remove the same from the State, without the written consent of the owner or lienor or the person in whom the title is, or, if such writing be a deed of trust, without the written consent of the trustee or beneficiary in such deed of trust, he shall be deemed guilty of the larceny thereof.

In any prosecution hereunder, the fact that such person after demand therefor by the lienholder or person in whom the title or ownership of the property is, or his agent, shall fail or refuse to disclose to such claimant or his agent the location of the proprety, or to surrender the same, shall be prima facie evidence of the violation of the provisions of this section. The venue of prosecutions against persons fraudulently removing any such property, including motor vehicles, from the State shall be the county or city in which such property or motor vehicle was purchased or in which the accused last had a legal residence.

This section shall not be construed to interfere with the rights of any innocent third party purchasing such property, unless such writing shall be docketed or recorded as provided by law.

§ 18.1-117. If any person shall solicit and obtain from any licensed merchant any goods, wares or merchandise for examination or approval, and shall thereafter, upon written demand, refuse or fail to return the same to such merchant in unused condition, or to pay for the same, such person so offending shall be deemed guilty of the larceny thereof. But the provisions of this section shall not apply unless such written demand be made within five days after delivery, and unless the goods, wares or merchandise shall have attached to them or to the package in which they are contained a label, card or tag containing the words, "Delivered for selection or approval."

§ 18.1-118. If any person obtain, by any false pretence or token, from any person, with intent to defraud, money or other property which may be the subject of larceny, he shall be deemed guilty of larceny thereof; or if he obtain, by any false pretence or token, with such intent, the signature of any person to a writing, the false making whereof would be forgery, he shall be confined in the penitenitary not less than two nor more than ten years.

§ 18.1-119. Any person who:

(1) Shall knowingly make or cause to be made, either directly or indirectly, or through any agency, any false statement in writing, with intent that it shall be relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note; or,

(2) Knowing that a false statement in writing concerning the financial condition or ability to pay of himself or of any such person, firm or cor-

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poration has been made, procures with like intent, upon the faith thereof, for his own benefit, or for the benefit of such person, firm or corporation, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement, and fails to pay for such loan, credit or benefit so procured, shall, if the value of the thing or the amount of the loan, credit or benefit procured is fifty dollars or more be deemed guilty of a felony and upon conviction thereof be confined in the penitentiary not less than one nor more than five years, or by confinement in jail not exceeding one year or by fine not exceeding five hundred dollars, either or both, or if the value be less than the sum, be deemed guilty of a misdemeanor and be fined not more than one hundred dollars or confined in jail not more than three months.

§ 18.1-120. Whoever puts up at a hotel, motel, or boardinghouse or obtains food from a restaurant or other eating house and, without having an express agreement for credit, procures food, entertainment or accommodation without paying therefor and with intent to cheat or defraud the owner or keeper of such hotel, motel, boardinghouse, restaurant or other eating house out of the pay for the same; or with intent to cheat or defraud such owner or keeper out of the pay therefor obtains credit at a hotel, motel, boardinghouse, restaurant or other eating house for such food, entertainment or accommodation by means of any false show of baggage or effects brought thereto; or with such intent obtains credit at a hotel, motel, boardinghouse, restaurant or other eating house for such food, entertainment or accommodation through any misrepresentation or false statement; or with such intent removes or causes to be removed any baggage or effects from a hotel, motel, boarding house, restaurant or other eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished therein, shall be punished by imprisonment not exceeding three months or by fine not exceeding one hundred dollars, either or both in the discretion of the jury or the court trying the case without a jury.

§ 18.1-121. Whoever stores a motor vehicle with any person, firm or corporation engaged in the business of conducting a garage for the storage of motor vehicles and furnishing supplies to motor vehicles, and obtains supplies for such motor vehicle, without having an express agreement for credit, or procures storage, or supplies on account of such motor vehicle so stored, without paying therefor, and with the intent to cheat or defraud the owner or keeper of such garage; or with such intent obtains credit at such garage for such storage or supplies through any misrepresentation or false statement; or with such intent removes or causes to be removed any such motor vehicle from any such garage while there is a lien existing thereon for the proper charges due from him for storage or supplies furnished thereon, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not exceeding one hundred dollars or imprisonment in jail for not exceeding three months, or both.

§ 18.1-122. Any agent, physician or other person who shall knowingly or wilfully make any false or fraudulent statement or representation of any material fact:

(1) In or with reference to any application for insurance in any industrial sick benefit company licensed, or which may be licensed, to do business in this State,

(2) As to the death or disability of a policy or certificate holder in any such company,

(3) For the purpose of procuring or attempting to procure the payment of any false or fraudulent claim against any such company, or

(4) For the purpose of obtaining or attempting to obtain any money from or benefit in any such company,

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Shall be guilty of a misdemeanor.

Any such person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy or certificate holder in any such company for the purpose of procuring payment of a benefit named in the policy or certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury.

§ 18.1-123. Every person who by any false pretense shall obtain from any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals the registration of any animal in the herd register or other register of any such club, association, society or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal shall be guilty of a misdemeanor.

§ 18.1-124. Any person who shall operate, cause to be operated, or attempt to operate or cause to be operated any coin box telephone, parking meter, vending machine or other machine that operates on the coin-in-the-slot principle, whether of like kind or not, designed only to receive lawful coin of the United States of America, in connection with the use or enjoyment of telephone or telegraph service, parking privileges or any other service, or the sale of merchandise or other property, by means of a slug, or any false, counterfeit, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever, not authorized by the owner, lessee or licensee of such coin box telephone, parking meter, vending machine or other machine; or who shall obtain or receive telephone or telegraph service, parking privileges, merchandise, or any other service or property from any such coin box telephone, parking meter, vending machine or other machines, designed only to receive lawful coin of the United States of America, without depositing in or surrendering to such coin box telephone, parking meter, vending machine, or other machine lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such coin box telephone, parking meter, vending machine or other machine, shall be guilty of a misdemeanor.

§ 18.1-125. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any such coin box telephone, parking meter, vending machine or other machine operated on the coin-in-the-slot principle, designed only to receive lawful coin of the United States of America, in connection with the use of any such coin box telephone, parking meter, vending machine or other machine, or who, knowing or having reason to believe that the same is intended for such unlawful use, shall manufacture, sell, offer to sell, advertise for sale or give away any slug, device or substance whatsoever, intended or calculated to be placed or deposited in any such coin box telephone, parking meter, vending machine or other machine, shall be guilty of a misdemeanor.

The manufacture, sale, offer for sale, advertisement for sale, giving away or possession of any such slug, device or substance whatsoever, intended or calculated to be placed or deposited in any such coin box telephone, parking meter, vending machine or other machine that operates on the coin-in-the-slot principle, shall be prima facie evidence of intent to cheat or defraud within the meaning of this and the preceding section.

ARTICLE 5

CONCEALMENT OF MERCHANDISE IN STORE

§ 18.1-126. Whoever, without authority, wilfully conceals the goods or merchandise of any store, while still upon the premises of such store,

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shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

§ 18.1-127. A merchant, agent or employee of the merchant, who causes the arrest of any person pursuant to the provisions of § 18.1-126, shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested, whether such arrest takes place on the premises of the merchant, or after close pursuit from such premises by such merchant, his agent or employee, provided that, in causing the arrest of such person, the merchant, agent or employee of the merchant, had at the time of such arrest probable cause to believe that the person committed wilful concealment of goods or merchandise.

§ 18.1-128. As used in this article "agents of the merchant" shall include attendants at any parking lot owned or leased by the merchant, or generally used by customers of the merchant through any contract or agreement between the owner of the parking lot and the merchant.

ARTICLE 6

MISREPRESENTATIONS AND OTHER OFFENSES CONNECTED WITH SALES

§ 18.1-129. Any person, firm, association or corporation who or which intentionally removes, defaces, alters, changes, destroys or obliterates in any manner or way or who causes to be removed, defaced, altered, changed, destroyed or obliterated in any manner or way any trademark, distinguishing or identification number, serial number or mark on or from any article or device, in order to secrete its identification with intent to defraud, shall be guilty of a misdemeanor.

§ 18.1-130. No person, firm, association or corporation, either individually or in association with one or more other persons, firms, associations or corporations shall remove, change or alter the serial number or other identification number stamped upon, cut into or attached as a permanent part of any household appliance having a fair retail value of fifty dollars or more, where such number was stamped upon, cut into or attached to such appliance by the manufacturer thereof.

No person, firm, association or corporation shall knowingly have in his or its possession for purposes of resale a household appliance having a fair retail value of fifty dollars or more, the serial number or other identification number of which has been removed, changed or altered.

Any person, firm, association or corporation violating the provisions of this section shall be guilty of a misdemeanor.

§ 18.1-131. Any person, firm, corporation or association who, with intent to sell or in any wise dispose of merchandise, securities, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly to be made, published, disseminated, circulated or placed before the public in this State, in a newspaper or other publications, or in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, land, lot or anything so offered to the public, which advertisement contains any promise, assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor. The words "untrue, deceptive and misleading", as used in this

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section, shall be construed as including the advertising in any manner by any person of any goods, wares or merchandise as a bankrupt stock, receiver's stock or trustee's stock, if such stock contains any goods, wares or merchandise put therein subsequent to the date of the purchase by such advertiser of such stock, and if such advertisement of any such stock fails to set forth the fact that such stock contains other goods, wares or merchandise put therein, subsequent to the date of the purchase by such advertiser of such stock in type as large as the type used in any other part of such advertisement, including the caption of the same, it shall be a violation of this section.

§ 18.1-132. It shall be unlawful for any person, firm, corporation or association, not an agency or instrumentality of the United States Government, selling or offering for sale goods, wares or merchandise, to use or cause or permit to be used in the corporate or trade name, or description of the seller or the place where the goods, wares or merchandise are offered for sale, any of the following words or expressions, viz., "Army", "Navy", "Marine Corps", "Marines", "Coast Guard", "Government", "Post Exchange", "P-X", or "G.I."

No person, firm, corporation or association selling or offering for sale any article or merchandise, shall in any manner represent, contrary to fact, that the article was made for, or acquired directly or indirectly from, the United States Government or its military or naval forces or any agency of the United States Government, or that it has been disposed of by the United States Government.

Any person, firm, corporation or association violating any provision of this section shall be guilty of a misdemeanor.

§ 18.1-133. Misrepresentation by advertising in the press or by radio or by television, or misrepresentation by letter, statement, mark representing grade, quality or condition, label or otherwise in handling, selling, offering or exposing for sale any agricultural commodities is hereby prohibited.

Any person, firm, association or corporation who shall violate any of the provisions of this section shall be punished by a fine of not less than five dollars nor more than five hundred dollars for each offense.

The Director of the Division of Markets, with the approval of the Commissioner of Agriculture and Immigration, may, in his discretion, cause prosecutions for violation of this section to be instituted through the attorneys of the Commonwealth of this State, or otherwise, in counties or cities of the State where in his opinion violations of this section are found.

§ 18.1-134. It shall be unlawful for any person, firm, association or corporation, to store, sell, expose for sale or offer for sale any liquid fuels, lubricating oils or other similar products, in any manner whatsoever, so as to deceive or tend to deceive the purchaser as to the nature, quality and identity of the product so sold or offered for sale.

§ 18.1-135. It shall be unlawful for any person, firm, association or corporation to store, keep, expose for sale, offer for sale or sell, from any tank or container, or from any pump or other distributing device or equipment, any other liquid fuels, lubricating oils or other similar products than those indicated by the name, trade name, symbol, sign or other distinguishing mark or device of the manufacturer or distributor, appearing upon the tank, container, pump or other distributing equipment from which the same are sold, offered for sale or distributed.

§ 18.1-136. It shall be unlawful for any person, firm, association or corporation to disguise or camouflage his or their own equipment by imitating the design, symbol or trade name of the equipment under which recognized brands of liquid fuels, lubricating oils and similar products are generally marketed.

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§ 18.1-137. It shall be unlawful for any person, firm, association or corporation to expose for sale, offer for sale or sell, under any trade mark or trade name in general use, any liquid fuels, lubricating oils or other like products, except those manufactured or distributed by the manufacturer or distributor marketing liquid fuels, lubricating oils or other like products under such trade mark or trade name, or to substitute, mix or adulterate the liquid fuels, lubricating oils or other similar products sold, offered for sale or distributed under such trade mark or trade name.

§ 18.1-138. It shall be unlawful for any person, firm, association or corporation to aid or assist any other person, firm, association or corporation in the violation of the provisions of §§ 18.1-134 to 18.1-137 by depositing or delivering into any tank, receptacle or other container any other liquid fuels, lubricating oils or like products than those intended to be stored therein and distributed therefrom, as indicated by the name of the manufacturer or distributor or the trade mark or trade name of the product displayed on the container itself, or on the pump or other distributing device used in connection therewith.

§ 18.1-139. There shall be firmly attached to or painted at or near the point of outlet from which lubricating oil is drawn or poured out for sale or delivery a sign or label consisting of the word or words in letters not less than one inch in height comprising the brand or trade name of such lubricating oil. But if any lubricating oil shall have no brand or trade name, the above sign or label shall consist of the words "lubricating oil, no brand".

§ 18.1-140. Any person, firm, association or corporation or any officer, agent or employee thereof who shall violate any provision of §§ 18.1-134 to 18.1-139, inclusive, upon conviction shall be punished by a fine for the first offense of not less than twenty-five dollars nor more than two hundred dollars, and for a second or any subsequent offense by a fine of not less than fifty dollars nor more than five hundred dollars, or by confinement in jail of not more than one year, or both.

§ 18.1-141. A person who makes or sells or offers to sell or dispose of or has in his possession with intent to sell or dispose of any article of merchandise marked, stamped or branded with the words "sterling" or "sterling silver", or encased or enclosed in any box, package, cover or wrapper, or other thing in or by which such article is packed, enclosed or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trademark indicating or denoting by such marking, stamping, branding, engraving or printing that such article is silver, sterling silver or solid silver, unless nine hundred and twenty-five one thousandths part of the component parts of the metal of which such article is manufactured is pure silver, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred and fifty dollars or be confined in jail not less than ten days nor more than sixty days or both.

§ 18.1-142. A person who makes or sells or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article of merchandise marked, stamped or branded with words "coin" or "coin silver", or encased or enclosed in any box, package, cover, wrapper or other thing in or by which such article is packed, enclosed, or otherwise prepared for sale or disposition, having thereon any engraving or printed label, stamp, imprint, mark or trademark indicating or denoting by such marking, stamping, branding, engraving or printing that such article is coin or coin silver, unless nine hundred one-thousandths part of the component parts of the metal of which such article is manufactured is pure silver, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less

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than twenty-five dollars nor more than one hundred and fifty dollars or be confined in jail not less than ten nor more than sixty days, or both.

§ 18.1-143. Any person who makes or sells or offers to sell or dispose of or has in his possession with intent to sell or dispose of any article of merchandise made of gold of a less carat of fineness than is stamped or marked on it or of a less carat of fineness than is engraved, stamped or imprinted on the tag, card, box, label, package, wrapper, cover or other thing in or by which such article is packed, enclosed or otherwise prepared for sale or disposition shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred and fifty dollars for such offense or be confined in jail not less than ten days nor more than sixty days, or both.

§ 18.1-144. Any person, who, with intent to defraud, sells or exposes for sale any meat or meat preparation, and falsely represents the same: (1) to be kosher, whether such meat or meat preparation be raw or prepared for human consumption, or (2) as having been prepared under, and of a product or products sanctioned by, the orthodox Hebrew religious requirements; or who, with like intent, falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language, shall be guilty of a misdemeanor.

§ 18.1-145. If any person buy or receive secondhand grate baskets, keys, bells and bell fixtures, gas fixtures, water fixtures, water pipes, gas pipes, or any part of such fixtures or pipes with intent to defraud, he shall be confined in jail not less than one month nor more than six months. Possession of any such secondhand baskets, keys, bells and bell fixtures, water fixtures, gas fixtures, water pipes, gas pipes, or any part of such fixtures or pipes if bought or received from any other person than the manufacturer thereof or his authorized agent or the owner thereof shall be prima facie evidence of such intent.

§ 18.1-146. If any person buy or receive pig iron or railroad, telephone, telegraph, coal mining, industrial, manufacturing or public utility iron, brass, copper, metal or any composition thereof with intent to defraud, he shall be confined in the penitentiary not less than one year nor more than two years or in the discretion of the jury or the court trying the case without a jury, not more than twelve months in jail. Possession of any pig iron or railroad, telephone, telegraph, coal mining, industrial, manufacturing or public utility iron, brass, copper, metal or any composition thereof, if bought or received from any other person than the manufacturer thereof or his authorized agent or of a regularly licensed dealer therein, shall be prima facie evidence of such intent.

ARTICLE 7

OFFENSES RELATING TO RAILROADS AND OTHER UTILITIES

§ 18.1-147. If any person maliciously obstruct, remove or injure any part of a canal, railroad or urban, suburban or interurban electric railway, or any lines of any electric power company, or any bridge or fixture thereof, or maliciously obstruct, tamper with, injure or remove any machinery, engine, car, trolley, supply or return wires or any other work thereof, or maliciously open, close, displace, tamper with or injure any switch, switch point, switch lever, signal lever or signal of any such company, whereby the life of any passenger or other person on such canal, railroad, urban, suburban or interurban electric railway, is put in peril, he shall be confined in the penitentiary not less than two nor more than ten years; and, in the event of the death of any passenger or other person resulting from such malicious act, the person so offending shall be deemed guilty of murder,

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the degree to be determined by the jury or the court trying the case without a jury.

If any such act be committed unlawfully, but not maliciously, the person so offending shall, upon conviction thereof, be punished by confinement in the penitentiary not less than one nor more than three years, or at the discretion of the jury or the court trying the case without a jury, be confined in jail not to exceed twelve months and fined not less than one hundred dollars nor more than five hundred dollars.

§ 18.1-148. If any person be on the track of a railroad within one hundred yards of an approaching train otherwise than in passing over such road at a public or private crossing, or wilfully ride, drive or lead any animal, or contrive for any animal to go on such track, except in crossing as aforesaid, without the consent of the railroad company or person operating such road, he shall be fined not less than ten nor more than one hundred dollars.

§ 18.1-149. If any person, not being a passenger or employee, but a trespasser, shall jump on or off any railroad car or train on its arrival, stay or departure at or from any station or depot of such railroad, or on the passage of any such car or train over any part of any such railroad, such person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than two dollars and fifty cents, nor more than ten dollars, or by imprisonment in jail not exceeding fifteen days, and no other or further punishment or penalty shall be inflicted or imposed for any such offense.

§ 18.1-150. If any person, not being a passenger or employee, shall be found trespassing upon any railroad car or train of any railroad in this State, by riding on any car, or any part thereof, on its arrival, stay or departure at or from any station or depot of such railroad, or on the passage of any such car or train over any part of any such railroad, such person so offending shall be deemed a disorderly person and on conviction as such shall be punished by a fine of not less than two dollars and fifty cents nor exceeding ten dollars, or by imprisonment in jail not exceeding fifteen days, and no other or further punishment or penalty shall be inflicted or imposed for any such offense.

§ 18.1-151. If any person shall wilfully and maliciously take or remove the waste or packing from any journal box of any locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon any railroad, whether the same be operated by steam or electricity, he shall, upon conviction thereof, be confined in the penitentiary not less than one nor more than three years or in jail not less than one nor more than twelve months, or fined not exceeding five hundred dollars.

§ 18.1-152. If any person maliciously shoot at, or maliciously throw any stones or other missiles at or against, any train or cars on any railroad or other transportation company or any vessel or other water craft, or any motor vehicle or other vehicles when occupied by one or more persons, or so shoot or throw into any dwelling house or other building when occupied by one or more persons, whereby the life of any passenger, or other person on such train or car, or on such vessel, or other water craft, or in such motor vehicle or other vehicle, or in such building, may be put in peril, the person or persons so offending shall, upon conviction thereof, be punished by confinement in the penitentiary not less than two nor more than ten years; and, in the event of the death of any passenger or other person, resulting from such malicious shooting or throwing, the person so offending shall be deemed guilty of murder, the degree to be determined by the jury or the court trying the case without a jury. If any such act be committed unlawfully, but not maliciously, the person so offending shall, upon conviction thereof, be punished by confinement in the penitentiary

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not less than one nor more than three years, or, in the discretion of the jury or the court trying the case without a jury, be confined in jail not to exceed twelve months and fined not less than one hundred dollars nor more than five hundred dollars.

§ 18.1-153. If any person maliciously injure, destroy, molest, or remove any switchlamp, flag or other signal used by any railroad, or any line, wire, post, lamp or any other structure or mechanism used in connection with any signal on a railroad, or destroys or in any manner interferes with the proper working of any signal on a railroad, whereby the life of any traveler, employee or other person is or may be put in peril he shall be punished by confinement in the penitentiary not less than two nor more than ten years, and in the event of the death of any traveler, employee or other person resulting from such malicious injuring, destroying or removing the person so offending shall be deemed guilty of murder, the degree to be determined by the jury. If such act be done unlawfully but not maliciously the offender shall, in the discretion of the jury, or the court, if the case be tried without a jury, be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars; provided that in the event of the death of any traveler, employee or other person resulting from such unlawful injuring, destroying or removing, the person so offending shall be deemed guilty of murder or of manslaughter, as the jury may determine, and shall be confined in the penitentiary not less than one nor more than three years or be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars, in the discretion of the jury or the court, if the case be tried without a jury.

§ 18.1-154. If any person, with a view to the recovery of damages against a railroad company, wilfully ride, drive, or lead any animal, or otherwise contrive for any animal to go, on the railroad track of such company, and such animal is by reason thereof killed or injured, he shall be guilty of a misdemeanor.

§ 18.1-155. Any person who shall wilfully or maliciously cut, break down, injure or destroy any fence erected along the line of any railroad, for the purpose of fencing the track or depot grounds of such road, or shall break down, injure or destroy any cattle stop along the line of any railroad, shall be guilty of a misdemeanor.

§ 18.1-156. Any person who shall:

(1) Maliciously injure, molest, cut down or destroy any telephone or telegraph line, wire, cable or pole, or the material or property belonging thereto; or

(2) Maliciously cut, break, tap or make any connection with any telephone or telegraph line, wire, cable or instrument of any telegraph or telephone company which has legally acquired the right of way by purchase, condemnation, or otherwise; or

(3) Maliciously copy in any unauthorized manner any message, either social, business, or otherwise, passing over any telephone or telegraph line, wire or cable in this State; or

(4) Wilfully or maliciously prevent, obstruct or delay by any means or contrivance whatsoever the sending, conveyance or delivery in this State of any authorized communication by or through any telephone or telegraph line, wire or cable under the control of any telephone or telegraph company doing business in this State; or

(5) Maliciously aid, agree with, employ or conspire with any unauthorized person or persons unlawfully to do or cause to be done any of the acts hereinbefore mentioned,

Shall be guilty of a misdemeanor.

§ 18.1-157. Any person who shall wilfully or maliciously break, injure or otherwise destroy or damage any of the posts, wires, towers or other

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materials or fixtures employed in the construction or use of any line of a television coaxial cable, or a microwave radio system, or wilfully or maliciously interfere with such structure so erected, or in any way attempt to lead from its uses or make use of the electrical signal or any portion thereof properly belonging to or in use or in readiness to be made use of for the purpose of using said electrical signal from any television coaxial cable company or microwave system or owner of such property, shall be guilty of a misdemeanor.

§ 18.1-158. Any person who shall unlawfully injure or destroy, or, having the right to prevent it, shall permit to be injured or destroyed, any meter, pipe, conduit, wire, line, post, lamp or other apparatus belonging to a city or town, or to a company engaged in the manufacture or sale of electricity or gas for lighting or power purposes, or who shall unlawfully prevent an electric or gas meter from duly registering the quantity of electricity or gas supplied, or in any way unlawfully interfere with its proper action or just registration, or who shall without the consent of such company or city or town unlawfully divert any electric current from any wire of such company or city or town, or who shall otherwise unlawfully use or cause to be used without the consent of such company or city or town any electricity or gas manufactured or distributed by such company or city or town, shall be guilty of a misdemeanor.

ARTICLE 8

DAMAGE TO PROPERTY; TRESPASSES

§ 18.1-159. If any person maliciously administer poison to or expose it with intent that it shall be taken by any horse, cattle or other beast of any other person; or if he poison or kill his own horse, cattle or other beast for the purpose of defrauding any insurer thereof; or if any person maliciously shoot, stab, cut or wound any horse, mule or cattle of any person with intent to kill or injure the same, he shall be confined in the penitentiary not less than two nor more than ten years. And if any person unlawfully shoot, stab, cut or wound any horse, mule or cattle of any person, or unlawfully and maliciously shoot, stab, cut or otherwise wound or poison any fowl of another, or any dog of another if such dog is under four months old, or if such dog is over four months old and has been licensed as required by law, with intent to maim, disfigure, disable or kill the same, he shall be guilty of a misdemeanor.

§ 18.1-160. It shall be unlawful for any person at any time or in any manner to hunt, pursue, take, capture, wound, maim, disfigure, or kill any homing pigeon of another person, or to make use of any pit or pitfall, scaffold, cage, snare, trap, net, baited hook or similar device or drug, poison chemical or explosive, for the purpose of injuring, capturing or killing any such homing pigeon.

Any person violating any of the foregoing provisions shall be guilty of a misdemeanor.

§ 18.1-161. If any person after having rented or leased from any other person an animal, aircraft, vehicle, boat or vessel shall wilfully injure or damage the same, by hard or reckless driving or using or by using the same in violation of any statute of this State, or allow or permit any other person so to do, or hire the same to any other person without the consent of the bailor, such person shall be guilty of a misdemeanor.

§ 18.1-162. If any person procure any such animal, aircraft, vehicle, boat or vessel mentioned in § 18.1-161, by fraud or by misrepresenting himself as some other person or with the intent to cheat or defraud such other person, he shall be guilty of a misdemeanor. The failure to pay the rental for or damage to such animal, aircraft, vehicle, boat or vessel, or

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absconding without paying such rental or damage, shall be prima facie evidence of the intent to defraud at the time of renting or leasing such animal, aircraft, vehicle, boat or vessel.

§ 18.1-163. If any person comes into the possession as bailee of any animal, aircraft, vehicle, boat or vessel, and fail to return the same to the bailor, in accordance with the bailment agreement, he shall be deemed guilty of larceny thereof and receive the same punishment, according to the value of the thing stolen, prescribed for the punishment of the larceny of goods and chattels. The failure to return to the bailor such animal, aircraft, vehicle, boat or vessel, within five days from the time the bailee has agreed in writing to return the same shall be prima facie evidence of larceny by such bailee of such animal, aircraft, vehicle, boat or vessel.

§ 18.1-164. Any person who shall take, drive or use any animal, aircraft, vehicle, boat or vessel, not his own, without the consent of the owner thereof and in the absence of the owner, and with intent temporarily to deprive the owner thereof of his possession thereof, without intent to steal the same, shall be confined in the penitentiary not less than one nor more than five years or, in the discretion of the jury or the court trying the case without a jury, confined in jail not exceeding twelve months and fined not exceeding five hundred dollars. The consent of the owner of an animal, aircraft, vehicle, boat or vessel to its taking, driving or using shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking, driving or using of such animal, aircraft, vehicle, boat or vessel by the same or a different person. Any person who assists in, or is a party or accessory to, or an accomplice in, any such unauthorized taking, driving or using shall be subject to the same punishment as if he were the principal offender.

§ 18.1-165. Any person who with intent to procure or pass title to a vehicle, aircraft, boat or vessel, which he knows or has reason to believe has been stolen shall receive or transfer possession of the same from one to another or who shall with like intent have in his possession any vehicle, aircraft, boat or vessel which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as an officer, shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for a term not less than one nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

§ 18.1-166. Any person who shall individually or in association with one or more others wilfully break, injure, tamper with or remove any part or parts of any vehicle, aircraft, boat or vessel for the purpose of injuring, defacing or destroying said vehicle, aircraft, boat or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat or vessel, or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat or vessel, shall be guilty of a misdemeanor.

§ 18.1-167. Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat or vessel, climb into or upon such vehicle, aircraft, boat or vessel, with intent to commit any crime, malicious mischief, or injury thereto, or who, while a vehicle, aircraft, boat or vessel is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to set such vehicle, aircraft, boat or vessel in motion, with the intent to commit any crime, malicious mischief, or injury thereto, shall be guilty of a misdemeanor, except that the foregoing provision shall not apply when any such act is done in an emergency or in furtherance of public safety or by

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or under the direction of an officer in the regulation of traffic or performance of any other official duty.

§ 18.1-168. The provisions of § § 18.1-164, 18.1-166 and 18.1-167 shall not apply to a bona fide repossession of a vehicle, aircraft, boat or vessel by the holder of a lien on such vehicle, aircraft, boat or vessel, or by the agents or employees of such lien holder.

§ 18.1-169. If any person, with intent to commit larceny therefrom, break and open, or open, or carry away, any pump, tank, or other similar equipment or container used for dispensing or storing kerosene, gasoline or motor oils, he shall upon conviction be confined in the penitentiary not less than one nor more than ten years, or, in the discretion of the jury or the court trying the case without a jury, confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

§ 18.1-170. If any person wilfully scuttle, cast away or otherwise dispose of, or in any manner destroy, except as otherwise provided, a ship, vessel or other water craft, with intent to injure or defraud any owner thereof or of any property on board the same, or any insurer of such ship, vessel or other water craft, or any part thereof, or of any such property on board the same, if the same be of the value of fifty dollars, he shall be confined in the penitentiary not less than one nor more than ten years, but if it be of less value than fifty dollars, he shall be guilty of a misdemeanor.

§ 18.1-172. If any person, unlawfully, but not feloniously, take and carry away, or destroy, deface or injure any property, real or personal, not his own, or break down, destroy, deface, injure or remove any monument erected for the purpose of marking the site of any engagement fought during the War between the States, or for the purpose of designating the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a misdemeanor.

§ 18.1-173. If any person shall without authority of law go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may be reasonably seen, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by confinement in jail not exceeding twelve months, or by both such fine and imprisonment.

This section shall not be construed to affect in any way the provisions of §§ 29-165 to 29-170.

§ 18.1-173.1. If any person shall solicit, urge, encourage, exhort, instigate or procure another or others to go upon or remain upon the lands, buildings, or premises of another, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person or persons to have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen; or if any person shall, on such lands, buildings, premises or part, portion or area thereof prevent or seek to prevent the owner, lessee, custodian, person in charge or any of his employees from rendering service to any person or persons not so forbidden, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by confinement in jail not exceeding twelve months, or by both such fine and imprisonment.

§ 18.1-174. If any person shall unlawfully enter upon the property of

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another, in the nighttime, and secretly or furtively peep through or attempt to so peep, into, through, or spy through, a window, door or other aperture of any building, structure, or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure or enclosure be permanently situated or transportable and whether or not such occupancy be permanent or temporary, such person shall be guilty of a misdemeanor.

§ 18.1-175. When the State Highway Commissioner shall have designated lands or any interest therein to be included in the Blue Ridge Parkway, and shall have filed with the clerk of the court of the county wherein the lands or the major portion thereof are located a description of such lands and property which are necessary and requisite for such parkway, and paid into court or to the clerk thereof for the benefit of the landowner a sum in accordance with § 33-70, no person shall cut or remove any timber from such lands pending the institution and final determination of condemnation proceedings for the acquisition of such lands or any interest therein.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished accordingly; and the proper court shall have jurisdiction to enjoin any violation or attempted violation of any of the provisions of this section.

§ 18.1-176. If any person, without permission of the owner, pull down the fence of another and leave the same down, or, without permission, open and leave open the gate of another, or any gate across a public road established by order of court, or if any person other than the owner or owners of the lands through which a line of railroad runs open and leave open a gate at any public or private crossing of the right-of-way of a railroad, he shall be fined not less than five nor more than twenty dollars.

§ 18.1-177. If any person wilfully and maliciously break any window or door of the Capitol, or any courthouse, house of public worship, college, school house, city or town hall, or other public building or library, or wilfully and maliciously injure or deface the Capitol, or any statuary in the Capitol, or on the Capitol Square, or in any other public buildings or on any public grounds; or wilfully and maliciously injure or deface any courthouse, house of public worship, or city or town hall, or any other public building; or wilfully and maliciously destroy or carry away any furniture belonging to, or in any of such buildings; or wilfully and unlawfully injure or deface any book, newspaper, magazine, pamphlet, map, picture, manuscript or other property belonging to any library, reading room, museum or other educational institution, or unlawfully remove the same therefrom, he shall be guilty of a misdemeanor.

§ 18.1-178. It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn or destroy, in whole or in part, any tree, shrub, vine, plant, flower or turf found, growing or being upon the land of another, or upon any land reserved, set aside or maintained by the State as a public park, or as a refuge or sanctuary for wild animals, birds or fish or to deposit any trash, debris, garbage or litter thereon, without having previously obtained the permission in writing of such other or his agent or of the superintendent or custodian of such park, refuge or sanctuary so to do, unless the same be done under the personal direction of such owner, his agent, tenant or lessee or superintendent or custodian of such park, refuge or sanctuary.

Any person violating this section shall be guilty of a misdemeanor; provided, however, that the approval of the owner, his agent, tenant or lessee, or the superintendent or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit.

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§ 18.1-179. It shall be unlawful for any person other than the owner, his agent or assigns to cut, fell, mutilate or destroy in any manner any tree in any county of Virginia; and it also shall be unlawful for any person to carry any axe other than a belt axe with a handle less than twenty inches, saw or other tool or instrument customarily used for the purpose of cutting, felling, mutilating or destroying trees while hunting for game or wildlife without obtaining prior permission of the landowner. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction punished accordingly.

Game wardens, sheriffs and all law enforcement officers shall enforce the provisions of this section.

§ 18.1-180. If any person:

(1) Cut down, pull up, girdle or otherwise injure or destroy any tree growing in the grounds of the Capitol, or in any public square or grounds, without the consent of the Governor, or of the circuit court or corporation court of the county or city in which such grounds or square is situated; or

(2) Wilfully and maliciously injure the fences or herbage of the Capitol grounds, or of any such square or grounds,

He shall be fined not exceeding three hundred dollars.

§ 18.1-181. If any person, without the consent of the owner, proprietor or custodian, go or enter in the nighttime, upon the premises, property, driveways or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of his family, he shall be guilty of a trespass and upon a conviction thereof shall be fined not more than twenty-five dollars.

§18.1-182. It shall be unlawful for any person, without the consent of some person authorized to give such consent, to go or enter upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property.

Any person violating the provisions of this section shall be guilty of a trespass and upon conviction shall be fined not less than five nor more than twenty-five dollars.

§ 18.1-183. It shall be unlawful for any person to enter the land, dwelling, outhouse or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user or the occupant thereof to use such property free from interference.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

ARTICLE 9

MISCELLANEOUS OFFENSES

§ 18.1-184. If any person threaten injury to the character, person, or property of another person or accuse him of any offense and thereby extort money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, he shall be confined in the penitentiary not less than one nor more than ten years or, in the discretion of the jury or the court trying the case without a jury, be confined in jail not exceeding one year and fined not exceeding one thousand dollars, either or both.

§ 18.1-185. If any person import or bring from any other state or country into this State, for breeding purposes, any bull which is not registered, or entitled to registration, in some recognized standard and accredited herd of cattle, or three-quarter blood of such breed, such person shall be guilty of a misdemeanor.

§ 18.1-186. If any person use for breeding purposes in this State any

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bull imported or brought from any other state or country into this State, unless such bull be registered, or entitled to registration, in some recognized standard and accredited herd of cattle, or three-quarters blood of such breed, such person shall be guilty of a misdemeanor.

CHAPTER 4

OFFENSES AGAINST MORALITY AND DECENCY

ARTICLE 1

SEXUAL OFFENSES, PROSTITUTION, ETC.

§ 18.1-187. Any person, being married, who voluntarily shall have sexual intercourse with any person not his or her spouse shall be deemed guilty of adultery.

§ 18.1-188. Any person, not being married, who voluntarily shall have sexual intercourse with any other person shall be deemed guilty of fornication.

§ 18.1-189. Omitted.

§ 18.1-190. If any person commit adultery or fornication, such person shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars.

§ 18.1-191. If any person commit adultery or fornication with any person whom he or she is forbidden by law to marry such person shall be guilty of a misdemeanor; provided, however, that if such person commit adultery or fornication with his daughter or granddaughter, or with her son or grandson, or her father or his mother, such person shall be punished by confinement in the penitentiary for not less than one nor more than ten years, or, in the discretion of the jury or the court trying the case without a jury, by confinement in jail for not more than twelve months and by a fine of not more than one thousand dollars, either or both.

§ 18.1-192. If any person, being married, shall conspire with any other person or persons to cause the spouse of such married person to commit adultery for the purpose of securing from said spouse a divorce or for any other purpose and any act in furtherance of such conspiracy is done, such married person shall be confined in the penitentiary not less than one nor more than ten years; and if any person shall conspire with a married person to cause the spouse of such married person to commit adultery for any purpose aforesaid and any act in furtherance of such conspiracy is done, such person shall be confined in the penitentiary not less than one nor more than five years.

§ 18.1-193. If any persons, not married to each other, lewdly and lasciviously associate and cohabit together, or, whether married or not, be guilty of open and gross lewdness and lasciviousness, they shall be fined not less than fifty nor more than five hundred dollars; and, upon a repetition of the offense, and conviction thereof, they may also be confined in jail not less than six nor more than twelve months.

§ 18.1-194. Any person who, for money or its equivalent, commits adultery or fornication, or offers to commit adultery or fornication and thereafter does any substantial act in furtherance thereof, shall be guilty of being a prostitute, or prostitution, which shall be a misdemeanor.

§ 18.1-195. It shall be unlawful for any person to frequent, reside in or at or visit, for immoral purposes, any bawdy place. For the purposes of this and each other section of this article "bawdy place" shall mean any place within or without any building or structure within this State which is used or is to be used for lewdness, assignation or prostitution; and the term shall include, but shall not be limited to, every house of prostitution, house of ill-fame, bawdy house, house of assignation and brothel.

§ 18.1-196. It shall be unlawful for any person to keep any bawdy

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place, or, with knowledge or reason to believe the same is to be used for immoral purposes, any place where persons may meet for the purpose of prostitution or unlawful sexual intercourse in this State. Each and every day such bawdy place or such other place shall be kept, or any prostitute kept or harbored or permitted to remain therein or thereat for immoral purposes, shall constitute a separate offense. In a prosecution for this offense, the general reputation of the place may be proved.

§ 18.1-197. It shall be unlawful for any person, firm or corporation or any officer, employee or agent thereof, with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport on foot or in any way, any person to a place, whether within or without any building or structure, used or to be used for the purpose of lewdness, assignation or prostitution within this State; or procure or assist in procuring for the purpose of illicit sexual intercourse, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution.

§ 18.1-198. It shall be unlawful for any owner or chauffeur of any vehicle, with knowledge or reason to believe the same is to be used for such purpose, to use the same or to allow the same to be used for the purpose of prostitution or unlawful sexual intercourse, or to aid or promote such prostitution or unlawful sexual intercourse by the use of any such vehicle.

§ 18.1-199. Every person convicted of being a prostitute and every person convicted of violating any of the provisions of § § 18.1-195 through 18.1-198 shall be confined in jail not to exceed twelve months; provided, however, that in every case in which a city or county farm or hospital is available for the confinement of persons so convicted, confinement shall be in such farm or hospital, as in the discretion of the court or judge is deemed best. Every judge is authorized to commit, with the consent of the farm board, persons so convicted to any county or city farm established in accordance with § 53-195, or any hospital for the treatment of venereal disease which have been or may be established in this Commonwealth.

§ 18.1-200. Whenever any court of record or judge thereof, or any county, municipal, or juvenile and domestic relations court or judge thereof, in the exercise of sound discretion shall determine that it is necessary for the protection of the public health or safety or for the promotion of the public welfare, through the rehabilitation of any person, such court or judge may, in lieu of imposing any sentence or fine provided by law for such offenses, commit to the control and supervision of the Board of Welfare and Institutions, for rehabilitation, for an indeterminate period of not less than three months nor more than three years any person who, in such court or before such judge, is convicted in this State:

(1) Of being a prostitute, or

(2) Of being a keeper, inmate or frequenter of a bawdy place, or

(3) Of soliciting for immoral purposes, or

(4) Of vagrancy, or

(5) Of contributing to the delinquency, neglect or dependency of a minor under the age of eighteen years.

When a person is tried for any offense enumerated in this section or is adjudged guilty of such offense, the court may, before fixing punishment, imposing sentence, or ordering a commitment, direct any probation officer or agency performing probation services for such court to thoroughly investigate and report upon the history of the accused and any and all relevant facts, to the end that the court may be fully advised as to the appropriate and just sentence to be imposed or commitment to be ordered.

Any person so committed to the Board of Welfare and Institutions may be recommitted by the committing court or judge upon application of the

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Board to a State institution or to such other institution as may be approved by it as being suitable for the proper care of such persons, and being equipped to give medical treatment to such of them as may be diseased, and industrial training to such of them as may be in need thereof.

All such institutions, except State institutions, shall receive from the State the same fees as are allowed by law to jailers.

During any such period of commitment or recommitment, the committing court or judge thereof may, upon its own motion or upon application of the Board, reduce or increase such period of commitment.

§ 18.1-201. The Board of Welfare and Institutions shall make a careful physical, mental and social examination of every person committed to it under the provisions of § 18.1-200, and shall investigate such person's personal and family history in order that plans for his or her training, rehabilitation, release and supervision may be adequately undertaken. The committing court may require the Board to report at any time or times, subsequent to the minimum commitment period prescribed by § 18.1-200, upon the Board's observations, findings and recommendations with respect to any such person.

§ 18.1-202. If the Board of Welfare and Institutions finds it not possible or expedient to place such persons as are committed to it under the provisions of § 18.1-200 in the institutions referred to in that section, the committing court on application of the Board may place such persons on probation. The Board may at any time order the release of such persons when satisfied that such release is conducive to the welfare of such persons and will not be detrimental to the public health or the public welfare, and may prescribe reasonable terms or conditions upon which such release is granted. If any person so released violates the terms or conditions of his or her release, the county, municipal or juvenile and domestic relations court exercising jurisdiction in the city or county wherein such violation occurs may revoke the order of release and direct his or her apprehension and detention by the proper law enforcement officers and his or her return to the Board, and such court, on its own motion or on application of the Board, may recommit such person to an institution or make such other disposition as may be provided by law. In no case shall the total period of probation, confinement, supervision and reconfinement exceed three years.

§ 18.1-203. (1) No drug, medicinal preparation, appliance, device or other article intended or having special utility for the prevention of venereal disease, hereinafter referred to as device, shall be sold or otherwise disposed of in this State except by duly licensed practitioners of medicine; and in pharmacies and retail outlets. Pharmacies and retail stores desiring to sell such devices shall apply in writing to the State Board of Pharmacy and the Board shall issue a permit for the sale thereof. Such devices may be sold by wholesalers regularly transacting business as such, but it shall be unlawful for any wholesaler to knowingly sell such devices to any unlicensed retailer.

(2) The offering for sale, distribution or other disposition by means of a vending machine or other automatic machine of such devices is expressly prohibited.

(3) Any such vending machine or other automatic machine shall be destroyed when found in violation hereof. Possession of such devices by any unlicensed retailer in his place of business shall be prima facie evidence of sale.

(4) The State Board of Pharmacy shall enforce the terms of this section and may establish minimum standards of quality for such devices which standards of quality shall be such as will tend to reduce the likelihood of contracting a venereal disease.

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(5) Any person who violates any of the provisions of this section or regulation of the Board shall be guilty of a misdemeanor.

§ 18.1-204. Any person who:

(1) Takes, harbors, inveigles, entices, persuades or encourages, either by threats or promises, or by any device or scheme takes, or causes to be taken, any female into a bawdy place, or elsewhere against her will, for the purpose of prostitution or unlawful intercourse; or,

(2) Takes or detains a female unlawfully against her will with the intent to compel her, by force, threats, persuasions, menace or duress, to marry him or to marry any other person, or to be defiled; or,

(3) Being parent, guardian or any other person having legal charge of the person of a female, consents to her being taken or detained by any person for the purpose of prostitution or sexual intercourse;

Is guilty of pandering, and shall be punished by confinement in the penitentiary for a term of not less than one year nor more than ten years and by a fine of not more than one thousand dollars.

§ 18.1-205. Any person who shall place any female in the charge or custody of any other person or persons for immoral purposes, or in a house of prostitution, with the intent that she shall live a life of prostitution, or any person who shall compel any female to reside with him, or with any other person for immoral purposes, or for the purposes of prostitution, or compel her to live a life of prostitution, shall be guilty of pandering, and shall be punished by a fine of not less than one thousand dollars and by confinement in the penitentiary for not less than one year nor more than ten years.

§ 18.1-206. Any person who shall receive any money or other valuable thing for or on account of procuring for or placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person shall be guilty of a felony, and upon conviction thereof shall be confined in the penitentiary for not less than one year nor more than ten years.

§ 18.1-207. Any person who, by force, fraud, intimidation or threats, places or leaves, or procures any other person to place or leave his wife in a house of prostitution or to lead a life of prostitution, shall be guilty of pandering, and upon conviction thereof shall be confined in the penitentiary not less than three years nor more than ten years.

§ 18.1-208. Any person who shall knowingly receive any money or other valuable thing from the earnings of any female engaged in prostitution, except for a consideration deemed good and valuable in law, shall be guilty of pandering, and on conviction be confined in the penitentiary not less than one year nor more than ten years, and fined not more than five hundred dollars.

§ 18.1-209. Any person who shall detain any female in a disorderly house or house of prostitution because of any debt or debts she has contracted, or is said to have contracted, while living in such house of prostitution or disorderly house, shall be guilty of felony, and on conviction thereof shall be confined in the penitentiary for a term not less than one nor more than ten years.

§ 18.1-210. Any person transporting or attempting to transport through or across this State, any female for any of the purposes within the intent of §§ 18.1-204 through 18.1-212, may be presented, indicted, tried and convicted in any county or city in which any part of such transportation may have taken place.

§ 18.1-211. Any female referred to in §§ 18.1-204 through 18.1-212 shall be a competent witness in any prosecution under such sections to testify to any and all matters, including conversations with the accused or by him with third persons in her presence, notwithstanding she may

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have married the accused either before or after the violation of any of the provisions of this section; but she shall not be compelled to testify after such marriage.

§ 18.1-212. If any person shall carnally know in any manner any brute animal, or carnally know any male or female person by the anus or by or with the mouth, or voluntarily submit to such carnal knowledge, he or she shall be guilty of a felony and shall be confined in the penitentiary not less than one year nor more than three years.

§ 18.1-213. Any person twenty-one years of age or over who, with lascivious intent, entices, allures, persuades or invites, or attempts to entice, allure, persuade or invite, any child under fourteen years of age to whom such person is not legally married to enter any vehicle, room, house, office or other place for the purpose of:

(1) Proposing to such child the performance of an act of sexual intercourse or any act constituting an offense under § 18.1-212; or

(2) Fondling or feeling of the sexual or genital parts of such child or the breast of such child if the child be female; or

(3) Committing an aggravated assault upon such child; or

(4) Proposing that such child fondle or feel of the sexual or genital parts of such person, shall be guilty of a felony and shall be confined in the penitentiary not less than two nor more than five years or, in the discretion of the jury or the court trying the case without a jury, confined in jail not more than twelve months or fined not more than five hundred dollars, or both.

§ 18.1-214. Any person twenty-one years of age or over who, with lascivious intent, shall knowingly and intentionally expose his or her sexual or genital parts to any child under the age of fourteen years to whom such person is not legally married shall be guilty of a felony and shall be confined in the penitentiary not less than two nor more than five years, or, in the discretion of the jury or the court trying the case without a jury, confined in jail not more than twelve months or fined not more than five hundred dollars, or both.

§ 18.1-215. Any person twenty-one years of age or over who, with lascivious intent, shall knowingly and intentionally:

(1) Place, or attempt to place, his or her hand or hands, or any portion of his or her hand or hands, upon or against a sexual or genital part of any child under the age of fourteen years to whom such person is not legally married; or

(2) In any way or manner fondle or feel, or attempt to fondle or feel, of a sexual or genital part of any child under the age of fourteen years to whom such person is not legally married; or

(3) Place, or attempt to place, his or her hand or hands, or any part of his or her hands, upon the breast of a female under the age of fourteen years to whom such person is not legally married; or

(4) In any way or manner fondle or feel, or attempt to fondle or feel, the breast of a female under the age of fourteen years to whom such person is not legally married, shall be guilty of a felony and shall be confined in the penitentiary not less than two nor more than five years or, in the discretion of the jury or the court trying the case without a jury, confined in jail not more than twelve months or fined not more than five hundred dollars, or both.

ARTICLE 2

CRUELTY TO ANIMALS

§ 18.1-216. Any person who (1) overrides, overdrives, overloads, tortures, ill-treats, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another, or deprives any

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animal of necessary sustenance, food, or drink, or causes any of the above things, or being the owner of such animal permits such acts to be done by another, or (2) wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or (3) shall carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in a cruel, brutal, or inhuman manner, so as to produce torture or unnecessary suffering, shall be guilty of a misdemeanor; but nothing in this section shall be construed to prohibit the dehorning of cattle.

§ 18.1-217. Any officer or agent of any society duly incorporated under the laws of this State for the prevention of cruelty to animals, whose appointment shall have been approved as hereinafter provided, shall have power to arrest, without warrant, any person found violating in his presence any of the provisions of law concerning cruelty to animals, and upon making such arrest shall forthwith convey the person arrested before some court or magistrate having jurisdiction of the offense and there make complaint against him. And any such officer or agent shall have power to execute any warrant issued by a magistrate for the violation of any of such provisions, whether the offense was committed in his presence or not.

But such officers and agents shall not be authorized to make such arrests within any municipal corporation, unless their appointment has been approved by the judge of the corporation court thereof, nor within any county beyond the limits of a municipal corporation, unless their appointment has been approved by the judge of the circuit court of such county.

§ 18.1-218. Each such officer and agent shall give bond with surety in the circuit court of the county, or the corporation court of the city, in which the principal office of the society appointing him is located, in the penalty of five hundred dollars, with security conditioned according to law and that such officer or agent will not knowingly make a false or improper arrest. Such bond shall be effective and operative in any county or corporation for which such agent may be subsequently appointed. Such officers and agents shall be provided with a certificate by the society appointing them that they are such officers or agents, in such form as the directors of the society may choose. Such certificate shall also bear the written approval by the corporation or circuit judge of such appointment, as provided for in the preceding section. And such officers and agents shall, if requested, show such certificates when acting officially.

In no case shall the appointment of such officers or agents, or any services performed by them, entail any cost or expense upon such county or municipal corporation or upon the State.

§ 18.1-219. Any such officer or agent whose appointment shall have been approved as provided in § 18.1-217 shall interfere to prevent the perpetration of any act of cruelty upon any animal in his presence, and every person who shall interfere with or obstruct or resist any such officer or agent in the discharge of his rights, powers, and duties as authorized and prescribed by law shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or confined in jail not more than thirty days, or both.

§ 18.1-220. When a sworn complaint is made to any proper authority by any such agent or officer that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been, are being, or are about to be violated in any particular building or place, such authority, if satisfied that there is reasonable cause for such belief, shall issue a warrant authorizing any sheriff, deputy sheriff, sergeant, deputy sergeant or police officer to search such building or place; but no such search shall be made after sunset unless specially authorized by such authority upon satisfactory cause shown.

§ 18.1-221. Any such agent or officer may lawfully destroy, or cause

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to be destroyed, any animal in his charge or found abandoned or not properly cared for, when, in the judgment of such agent or officer and two reputable citizens called to view the same in his presence, one of whom may be selected by the owner of such animal, if he should so request, and who shall give their written certificate thereto, such animal appears to be injured, disabled, diseased, past recovery, or unfit for any useful purpose, and should the two citizens called in as above disagree they shall select a third, and his decision shall be final.

§ 18.1-222. When any person arrested under any provision of law concerning cruelty to animals is at the time of such arrest in charge of any vehicle drawn by or containing any animal cruelly treated, any such agent or officer of such society may take charge of such animal and of such vehicle and its contents and shall give notice thereof to the owner if known, and shall care and provide for them until their owner shall take charge of them, which he shall do within thirty days from the date of such notice. The society shall have a lien on such animals and vehicles for the expenses of such care and provision, and such lien may be enforced as provided in § 18.1-224.

§ 18.1-223. Any such officer or agent may lawfully take charge of any animal found abandoned, neglected, or cruelly treated or unfit for use, and shall thereupon give notice thereof to the owner, if known, and may provide for such animal until the owner takes charge of the same, and the expenses of such care and provision shall be a charge against the owner of such animal, collectible from the owner at the suit of the society whose officer or agent may have taken charge of such animal.

§ 18.1-224. When any such society, acting through its agents or officers, shall provide a neglected or abandoned animal, or any other animal, taken charge of by the society, as hereinbefore provided, with proper food, shelter, and care, it may detain such animal until the expense of such food, shelter, and care is paid, and shall have a lien upon such animal therefor, and if such expense be not paid within thirty days after such food, shelter, and care begins to be furnished, as aforesaid, such animal may be sold at public auction upon giving written notice of the time and place of sale at least six days previous thereto to the owner if he be known, and if he be not known by giving notice of the time and place of such sale for at least six days previous thereto in some newspaper published in the county or city where such animal was found; and after discharging the lien on such animal or vehicle mentioned in § 18.1-222 the proceeds remaining shall be paid over to the owner of such animal, and if the owner of such animal cannot be found the proceeds remaining shall be paid into the Literary Fund of the State Treasury.

§ 18.1-225. The word "animal", as used in this article, shall be construed to include birds and fowls.

§ 18.1-226. The provisions of this article may be enforced by any judge of a court not of record in cities, towns, or counties wherein the offense is committed, or the offender or owner may be found, and every such offender shall have the right of appeal to the corporation court in cities and the circuit court in counties.

ARTICLE 4

MISCELLANEOUS OFFENSES

§ 18.1-237. If any person arrived at the age of discretion profanely curse or swear or get or be drunk in public he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one nor more than ten dollars.

If any person shall be convicted for being drunk in public three times within one year in this State, upon the third or any subsequent conviction

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for such offense within the period of one year, such person may be punished by imprisonment in jail for not more than six months or by a fine of not more than twenty-five dollars, or by both such fine and imprisonment.

Counties, cities and towns may pass or adopt ordinances or resolutions prohibiting and punishing the conduct and acts embraced in this section.

§ 18.1-238. If any person shall curse or abuse anyone, or use vulgar, profane or indecent language over any telephone in this State, he shall be guilty of a misdemeanor. It shall be the duty of each telephone company in this State to furnish immediately in response to a subpoena issued by a court of record such information as it, its officers and employees, may possess which, in the opinion of the court, may aid in the apprehension of persons suspected of violating the provisions of this section. Any telephone company or any officer or employee thereof who shall fail or refuse to furnish such information when so requested, may be fined not more than one hundred dollars.

§ 18.1-239. If any person wilfully interrupt or disturb any assembly met for the worship of God or, being intoxicated, disturb the same, whether wilfully or not, he shall be guilty of a misdemeanor, and any justice of the peace or other conservator of the peace may put him under restraint during religious worship, and require him to enter into a recognizance for his good behavior for a period not exceeding twelve months.

§ 18.1-240. If any person wilfully interrupt, molest, or disturb the exercise of any free school or any other school or of any literary society or, being intoxicated, disturb the same, whether wilfully or not, he shall be guilty of a misdemeanor.

§ 18.1-241. If any person carry any gun, pistol, bowie knife, dagger or other dangerous weapon to a place of worship while a meeting for religious purposes is being held at such place, or, without good and sufficient cause therefor, carry any such weapon on a Sunday at any place other than his own premises, he shall be fined not less than twenty dollars. If any offense under this section be committed at a place of religious worship, the offender may be arrested on the order of a conservator of the peace, without warrant, and held until a warrant can be obtained, but not exceeding three hours. Every justice of the peace, upon his own knowledge or upon the affidavit of any person that an offense under this section has been committed shall issue a warrant for the arrest of the offender.

§ 18.1-242. If any person engage in the fighting of cocks, dogs or other animals, for money, prize or anything of value, or upon the result of which any money or other thing of value is bet or wagered, or to which an admission fee is charged, directly or indirectly, or for any championship, he shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

§ 18.1-243. If a person unlawfully disinter or displace a dead human body, or any part of a dead human body, which has been deposited in any vault, grave or other burial place, he shall be confined in the penitentiary not less than one nor more than ten years.

§ 18.1-244. If any person:

(1) Wilfully and maliciously destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed within any cemetery, graveyard, or place of burial, or within any lot belonging to any memorial or monumental association, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery lot within any cemetery;

(2) Wilfully or maliciously destroy, remove, cut, break, or injure any tree, shrub, or plant within any cemetery or lot of any memorial or monumental association;

(3) Wilfully or maliciously destroy, mutilate, injure, or remove and

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carry away any flowers, wreaths, vases, or other ornaments placed upon or around any grave, tomb, monument, or lot in any cemetery, graveyard, or other place of burial; or

(4) Wilfully obstruct proper ingress and egress to and from any cemetery or lot belonging to any memorial association,

He shall be fined not exceeding one hundred dollars, or confined in jail not exceeding six months.

This section shall not apply to any work which is done by the authorities of a church or congregation in the maintenance or improvement of any burial ground or cemetery belonging to it and under its management or control and which does not injure or result in the removal of a tomb, monument, gravestone, grave marker or vault.

§ 18.1-245. No person, firm, or corporation shall maintain, operate, promote, conduct or advertise, or aid in maintaining, operating, promoting, conducting or advertising, or participate in any "marathon", "marathon dance", "walkathon", "skathon", "bikathon", or any other mental or physical endurance contest or performance of a like or similar character or nature under any name whatsoever; provided, that this section shall not apply to bona fide athletic contests commonly known as cross-country races or marathon races held on extended cross-country courses over a limited number of miles.

Any person, firm or corporation violating the provisions of this section, shall be guilty of a misdemeanor. Each day of such violation shall constitute a separate offense.

§ 18.1-246. Whoever keeps or uses a live pigeon or other bird or fowl for the purpose of a target, or to be shot at either for amusement or as a test of skill in markmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or lets any building, room, field, or premises, or knowingly permits the use thereof for the purpose of such shooting, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days, or by both. Nothing herein contained shall apply to the shooting of wild game.

CHAPTER 5

OFFENSES AGAINST THE PEACE

ARTICLE 1

RIOTS, ETC.: DISORDERLY CONDUCT

§ 18.1-247. All judges and justices of the peace may suppress riots, routs, and unlawful assemblies within their jurisdiction. And it shall be the duty of each of them to go among, or as near as may be with safety to, persons riotously, tumultuously, or unlawfully assembled, and in the name of the law command them to disperse; and if they shall not thereupon immediately and peacefully disperse, such judge or justice of the peace giving the command, and any other present, shall command the assistance of all persons present, and of the sheriff or sergeant of the county or corporation, with his posse, if need be, in arresting and securing those so assembled. If any person present, on being required to give his assistance depart or fail to obey, he shall be deemed a rioter.

§ 18.1-248. If a person be arrested for a riot, rout, or unlawful assembly, the judge or justice of the peace ordering the arrest, or any other justice, shall commit him to jail, unless he shall enter into recognizance, with sufficient surety, to appear before the court having jurisdiction of the offense, at its next term, to answer therefor, and in the meantime to be of good behavior and keep the peace.

§ 18.1-249. If any judge or justice of the peace have notice of a riotous, tumultuous, or unlawful assembly, in the county or corporation in

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which he resides, and fail to proceed immediately to the place of such assembly, or as near as he may safely, or fail to exercise his authority for suppressing it and arresting the offenders, he may be fined not exceeding one hundred dollars.

§ 18.1-250. If any person, engaged in such assembly, being commanded as aforesaid to disperse, fail to do so without delay, any such judge or justice of the peace may require the aid of a sufficient number of persons, in arms or otherwise, and proceed, in such manner as he may deem expedient, to disperse and suppress such assembly, and arrest and secure those engaged in it.

§ 18.1-251. If, by any means taken under authority of this chapter to disperse any such assembly, or arrest and secure those engaged in it, any person present, as spectator or otherwise, be killed or wounded, any judge or justice of the peace exercising such authority, and every one acting under his order, shall be held guiltless; and if the judge or justice, or any person acting under the order of either of them, be killed or wounded in taking such means, or by the rioters, all persons engaged in such assembly shall be deemed guilty of such killing or wounding.

§ 18.1-252. If any rioter, or person unlawfully or tumultuously assembled, pull down or destroy, in whole or in part, any dwellinghouse, or assist therein, or shall in the nighttime stone the same in a manner calculated to terrorize the inmates, or assist therein, he shall be confined in the penitentiary not less than two nor more than five years; and though no such house be so injured or stoned, every rioter, and every person unlawfully or tumultuously assembled, shall be deemed guilty of a misdemeanor.

§ 18.1-253. If any person, whether a passenger or not, shall, while in or on any public conveyance behave in a riotous or disorderly manner, he shall be guilty of a misdemeanor. The agent or employees in charge of such public conveyance may require such person to discontinue his riotous or disorderly conduct, and if he refuses to do so may eject him, with the aid, if necessary, of any other persons who may be called upon for the purpose.

§ 18.1-254. If any person behaves in a riotous or disorderly manner in any street, highway, public building, or any other public place, other than those mentioned in the preceding section, or causes any unnecessary disturbance in or on any public conveyance, by running through it, climbing through windows or upon the seats, failing to move to another seat when lawfully requested to so move by the operator, or otherwise annoying passengers or employees therein, he shall be guilty of a misdemeanor.

Cities, towns and counties are hereby authorized and empowered to adopt ordinances or resolutions prohibiting and punishing the above acts, or any of them, when committed in such cities, towns, or counties, and such ordinances or resolutions shall provide the same punishment for a violation thereof as is provided by this section, anything in the charters of such cities or towns to the contrary notwithstanding. All fines imposed for the violation of such ordinances or resolutions shall be paid to and retained by such cities, towns and counties, and the Commonwealth shall not be chargeable with any costs in connection with any prosecution for the violation of any such ordinances or resolutions.

ARTICLE 2

OFFENSES TENDING TO BREACH OF PEACE

§ 18.1-255. If any person shall, in the presence or hearing of another, curse or abuse such other person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a misdemeanor, and on conviction

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fined in any sum not less than two dollars and fifty cents nor more than five hundred dollars, in the discretion of the jury or the judge trying the case without a jury.

§ 18.1-256. If any person shall falsely utter and speak, or falsely write and publish, of and concerning any female of chaste character, any words derogatory of such female's character for virtue and chastity, or imputing to such female acts not virtuous and chaste, he shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by confinement in jail for not more than six months, or both. And if any person shall falsely utter and speak, or falsely write and publish, of and concerning another person, any words which from their usual construction and common acceptation are construed as insults and tend to violence and breach of the peace or shall use grossly insulting language to any female of good character or reputation, he shall be punished by a fine of not less than five dollars or by confinement in jail for not more than sixty days, or both.

The defendant shall be entitled to prove upon trial in mitigation of the punishment, the provocation which induced the libelous or slanderous words, or any other fact or circumstance tending to disprove malice, or lessen the criminality of the offense.

§ 18.1-257. If any person write or compose and also send or procure the sending of any letter or inscribed communication, so written or composed, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of his or her family, the person so writing or composing and sending or procuring the sending of such letter or communication, shall be confined in the penitentiary for a period not exceeding five years, or, in the discretion of the jury or court trying the case without a jury, shall be confined in jail not less than thirty days, nor more than twelve months, or be fined not less than fifty dollars.

ARTICLE 3

UNIFORM MACHINE GUN ACT

§ 18.1-258. When used in this article:

(1) "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than seven shots or bullets may be rapidly, automatically or semiautomatically, discharged from a magazine, by a single function of the firing device, and also applies to and includes weapons, loaded or unloaded, from which more than sixteen shots or bullets may be rapidly, automatically, semiautomatically or otherwise discharged without reloading.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

§ 18.1-259. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by death or by imprisonment in the State penitentiary for a term of not less than twenty years.

§ 18.1-260. Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not less than ten years.

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§ 18.1-261. Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun is of the kind described in § 18.1-265 and has not been registered as in such section required; or

(4) When empty or loaded pistol shells of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

§ 18.1-262. The presence of a machine gun in any room, boat or vehicle shall be prima facie evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

§ 18.1-263. Nothing contained in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) Machine guns and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the National Guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; or

(4) The possession of a machine gun other than one adapted to use pistol cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber, for a purpose manifestly not aggressive or offensive.

§ 18.1-264. Every manufacturer or dealer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provisions of this section shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars.

§ 18.1-265. Every machine gun in this State adapted to use pistol cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was

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acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the machine gun and apply for its confiscation as provided in § 18.1-266. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose. The Secretary of the Commonwealth shall deliver to the Superintendent of State Police such records of the Secretary's office as pertain to the registration of machine guns. It shall not be necessary for any person who, prior to the effective date of this chapter, has registered any machine gun with the Secretary of the Commonwealth to reregister the same with the Superintendent of State Police during the year for which the same has already been registered.

§ 18.1-266. Warrant to search any house or place and seize any machine gun adapted to use pistol cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber possessed in violation of this article may issue in the same manner and under the same restrictions as provided by law for stolen property, and any court of record, upon application of the attorney for the Commonwealth, a police officer or conservator of the peace, may order any machine gun, thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the State or a political subdivision thereof.

§ 18.1-267. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 18.1-268. This article may be cited as the Uniform Machine Gun Act.

ARTICLE 4

OTHER ILLEGAL WEAPONS

§ 18.1-269. If any person carry about his person, hid from common observation, any pistol, dirk, bowie knife, switch-blade knife, razor, slungshot, metal knucks, or any weapon of like kind, he shall upon conviction thereof be fined not less than twenty dollars nor more than five hundred dollars and, in the discretion of the jury or the court trying the case without a jury, may, in addition thereto, be committed to jail for not more than twelve months, and such pistol, dirk, bowie knife, switch-blade knife, razor, slungshot, metal knucks, or weapon of like kind, shall, by order of the court be forfeited to the Commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers and conservators of the peace shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

This section shall not apply to any police officers, sergeants, sheriffs, conservators of the peace other than notaries public, or to carriers of United States mail in the rural districts, or to any collecting officer while in the discharge of his official duty.

Any circuit or corporation court, upon a written application and satisfactory proof of the good character and necessity of the applicant to carry concealed weapons, may grant permission so to do for one year. The order granting such permission shall be entered in the law order book of such court.

§ 18.1-270. All pistols, shotguns, rifles, dirks, bowie knives, switch-blade knives, razors, slungshots, brass or metal knucks, blackjacks and

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other weapons used by any person or persons in the commission of a criminal offense, may, upon conviction of such person or persons so using the same, be forfeited to the Commonwealth by order of the court trying the case, which shall make such disposition of such weapons as it deems proper by entry of an order of record.

§ 18.1-271. If any person sell or barter, or exhibit for sale or for barter, or give or furnish, or cause to be sold, bartered, given or furnished, or has in his possession, or under his control, with the intent of selling, bartering, giving or furnishing, any blackjack, brass or metal knucks, switch-blade knife or like weapons, such person shall be fined not less than twenty-five nor more than one hundred dollars. The having in one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give or furnish the same.

§ 18.1-272. Chapter 506 of the Acts of 1950, approved April 7, 1950, relating to carrying loaded firearms on public highways under certain conditions in any county having a population in excess of four thousand and not in excess of four thousand five hundred, is incorporated in this Code by this reference.

The following amendments to Chapter 506 of the Acts of 1950 are incorporated in this Code by this reference.

Chapter 453 of the Acts of 1952.

Chapter 619 of the Acts of 1958.

CHAPTER 6
OFFENSES AGAINST PUBLIC JUSTICE
ARTICLE 1
PERJURY

§ 18.1-273. If any person to whom an oath is lawfully administered on any occasion wilfully swear falsely on such occasion touching any material matter or thing, or if a person falsely make oath that any other person is twenty-one years of age in order to obtain a marriage license for such other person, he shall be guilty of perjury.

§ 18.1-274. If any person commit or procure another person to commit perjury, he shall be confined in the penitentiary not less than one nor more than ten years, or, in the discretion of the jury or the court trying the case without a jury, be confined in jail not exceeding one year or fined not exceeding one thousand dollars, or both.

§ 18.1-275. Upon the conviction of any person for perjury or procuring another person to commit perjury, such person thereby shall be adjudged forever incapable of holding any post mentioned in § 2-26, or of serving as a juror.

§ 18.1-276. It shall likewise constitute perjury for any person, with the intent to testify falsely, to knowingly give testimony under oath as to any material matter or thing and subsequently to give conflicting testimony under oath as to the same matter or thing. In any indictment for such perjury, it shall be sufficient to allege the offense by stating that the person charged therewith did, knowingly and with the intent to testify falsely, on one occasion give testimony upon a certain matter and, on a subsequent occasion, give different testimony upon the same matter. Upon the trial on such indictment, it shall be sufficient to prove that the defendant, knowingly and with the intent to testify falsely, gave such differing testimony and that the differing testimony was given on two separate occasions.

§ 18.1-277. If any person procure or induce another to give false testimony under oath in violation of § 18.1-274 or of § 18.1-276, he shall be punished as prescribed in §§ 18.1-274 and 18.1-276.

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In any prosecution under this section, it shall be sufficient to prove that the person alleged to have given false testimony shall have been procured, induced, counselled or advised to give such testimony by the party charged. No witness called by the attorney for the Commonwealth, or by the court, and required to give evidence for the prosecution in a proceeding under this section shall ever be proceeded against for the offense under §§ 18.1-273, 18.1-274 or 18.1-276. Such witness shall be compelled to testify and may be punished for contempt for refusing to do so.

ARTICLE 2

BRIBERY

§ 18.1-278. If any person corruptly give, offer or promise to any executive, legislative or judicial officer, sheriff or police officer, or to any candidate for such office, either before or after he shall have taken his seat, any gift or gratuity, with intent to influence his act, vote, opinion, decision or judgment on any matter, question, cause or proceeding, which is or may be then pending, or may by law come or be brought before him in his official capacity, he shall, upon conviction, be confined in the penitentiary not less than one nor more than ten years. This section shall also apply to a resident of this State who, while temporarily absent therefrom for that purpose, shall make such gift, offer or promise and thereafter return to this State.

§ 18.1-279. If any executive, legislative or judicial officer, sheriff or police officer, or any candidate for such office, accept in this State, or if, being resident in this State, such officer or candidate shall go out of this State and accept and afterwards return to and reside in this State, any gift or gratuity or any promise to make a gift or do any act beneficial to such officer or candidate under an agreement, or with an understanding, that his vote, opinion or judgment shall be given on any particular side of any question, cause or proceeding which is or may be by law brought before him in his official capacity or that in such capacity he shall make any particular nomination or appointment or take or fail to take any particular action or perform any duty required by law, he shall, upon conviction, be confined in the penitentiary not less than one nor more than ten years and shall forfeit his office and be forever incapable of holding any post mentioned in § 2-26. The word candidate as used in this and the preceding section shall mean any one who offers himself or is put forward by others as a suitable person or an aspirant for such office.

§ 18.1-280. No person prosecuted under either of the two preceding sections shall be competent to testify against a witness for the Commonwealth in such prosecution touching the giving, or offering to give, or the acceptance of any bribe by such witness prior to the commencement of such prosecution; nor shall any witness called by the court or attorney for the Commonwealth and giving evidence for the prosecution, either before the grand jury or the court in such prosecution, be ever proceeded against for any offense of giving, or offering to give, or accepting a bribe committed by him at the time and place indicated in such prosecution; but such witness shall be compelled to testify, and for refusing to answer questions may, by the court, be fined a sum not exceeding five hundred dollars, and be imprisoned for a term not exceeding twelve months.

§ 18.1-281. If any officer authorized to serve legal process receive any money or other thing of value for omitting or delaying to perform any duty pertaining to his office, he shall be confined in jail not exceeding six months and be fined not exceeding one hundred dollars.

§ 18.1-282. If any person give, offer or promise to give any money or other thing of value to a commissioner appointed by a court, auditor, arbi-

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trator, umpire or juror (although not impaneled), with intent to bias his opinion or influence his decision in relation to any matter in which he is acting or is to act, or if any such commissioner, auditor, arbitrator, umpire or juror corruptly take or receive such money or other thing, he shall be confined in the penitentiary not less than one year nor more than five years, or confined in jail not less than six months nor more than twelve months, and fined not exceeding five hundred dollars, either or both, in the discretion of the jury or the court trying the case without a jury.

ARTICLE 3

LOBBYING

§ 18.1-283. If any person pay or receive money or other compensation, directly or indirectly, for the purpose of securing the passage or defeat of any measure by the General Assembly, he shall be confined in jail not exceeding twelve months, and fined not exceeding five thousand dollars.

ARTICLE 4

ESCAPE OF PRISONERS

§ 18.1-284. When a person is lawfully detained as a prisoner in any jail, prison or custody, if any person: (1) convey anything into the jail or prison with intent to facilitate the prisoner's escape therefrom, (2) in any way aid such prisoner to escape, or in an attempt to escape, from such jail, prison or custody, or (3) forcibly rescue, or attempt to rescue him therefrom, such person, if the rescue or escape be effected, shall, if the prisoner was detained on conviction or charge of felony, be confined in the penitentiary not less than one nor more than five years; and if the same be not effected, or if the prisoner was not detained on such conviction or charge, be confined in jail six months, and fined not exceeding five hundred dollars.

§ 18.1-285. No person shall wilfully in any manner deliver, or attempt to deliver, to any prisoner confined under authority of the Commonwealth of Virginia, or of any political subdivision thereof, any article of any nature whatsoever, without first securing the permission of the person in whose charge such prisoner is, and who may in his discretion grant or refuse permission. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished accordingly.

Nothing herein contained shall be construed to repeal or amend § 18.1-284.

§ 18.1-286. If any sheriff, jailor or other officer, or any guard or other person summoned or employed by any such sheriff, jailor or other officer, voluntarily suffer a prisoner convicted of or charged with felony to escape from his custody, he shall be confined in the penitentiary not less than two nor more than ten years.

§ 18.1-287. If any sheriff, jailor or other officer, or any guard or other person summoned or employed by such sheriff, jailor or other officer, negligently suffer a prisoner convicted of or charged with felony, or voluntarily or negligently suffer a prisoner convicted of or charged with an offense not a felony, to escape from his custody, or wilfully refuse to receive into his custody a person lawfully committed thereto, he shall be confined in jail not exceeding six months, or be fined not less than fifty nor more than five hundred dollars.

§ 18.1-288. If any person confined in jail or convicted of a criminal offense escape thence by force or violence, other than by setting fire thereto, he shall be confined in the penitentiary not less than one year nor more than five years if previously sentenced to confinement therein, or be confined in jail six months if previously sentenced to confinement in jail. The term of

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confinement under this section shall commence from the expiration of the former sentence.

§ 18.1-289. If any person lawfully imprisoned in jail and not sentenced on conviction of a criminal offense escape from jail by force or violence, other than by setting fire thereto or if any person lawfully in the custody of any police officer on a charge of criminal offense escape from such custody by force or violence, he shall be confined in jail not exceeding one year.

§ 18.1-290. If any person lawfully confined in jail or lawfully in the custody of any court or officer thereof or of any law enforcement officer on a charge or conviction of a criminal offense escape, otherwise than by force or violence or by setting fire to the jail, he shall be confined in jail not exceeding six months, or be fined not exceeding five hundred dollars, or both.

§ 18.1-291. If any person lawfully imprisoned in jail escape, or attempt to escape therefrom, by setting fire thereto, he shall be confined in the penitentiary not less than three nor more than ten years.

ARTICLE 5

CONTEMPT OF COURT

§ 18.1-292. The courts and judges may issue attachments for contempt, and punish them summarily, only in the cases following:

(1) Misbehavior in the presence of the court, or so near thereto as to obstruct or interrupt the administration of justice;

(2) Violence, or threats of violence, to a judge or officer of the court, or to a juror, witness or party going to, attending or returning from the court, for or in respect of any act or proceeding had or to be had in such court;

(3) Vile, contemptuous or insulting language addressed to or published of a judge for or in respect of any act or proceeding had, or to be had, in such court, or like language used in his presence and intended for his hearing for or in respect of such act or proceeding;

(4) Misbehavior of an officer of the court in his official character;

(5) Disobedience or resistance of an officer of the court, juror, witness or other person to any lawful process, judgment, decree or order of the court.

§ 18.1-293. A judge of a court not of record shall have the same power and jurisdiction as a court of record to punish summarily for contempt, but in no case shall the fine exceed fifty dollars, or the imprisonment exceed ten days, for the same contempt.

§ 18.1-294. Any person sentenced to pay a fine, or to confinement, under the preceding section, may appeal therefrom to the circuit court of the county or the corporation court of the city in which the sentencing judge resides, or to the judge of such circuit or corporation court in vacation, upon entering into recognizance before the sentencing judge, with surety and in penalty deemed sufficient, to appear before such circuit or corporation court on the first day of the next term, or before the judge thereof in vacation, to answer for the offense. If such appeal be taken, a certificate of the conviction and the particular circumstances of the offense, together with the recognizance, shall forthwith be transmitted by the sentencing judge to the clerk of such circuit or corporation court, who shall immediately deliver the same to the judge thereof. Such judge may hear the case in term or in vacation upon the certificate and any legal testimony adduced on either side, and make such order therein as may seem to him proper. Such order when made in vacation shall be entered in the order book of the court and have the same force and effect as an order entered in term.

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§ 18.1-295. No court shall, without a jury, for any such contempt as is mentioned in the first class embraced in § 18.1-292, impose a fine exceeding fifty dollars or imprison more than ten days; but in any such case the court may, without an indictment, information or any formal pleading, impanel a jury to ascertain the fine or imprisonment proper to be inflicted and may give judgment according to the verdict.

ARTICLE 6

MISCELLANEOUS OFFENSES

§ 18.1-296. If any sheriff or other officer corruptly, or through favor or ill-will, summon a juror, with intent that such juror shall find a verdict for or against either party, he shall be fined not exceeding five hundred dollars and forfeit his office; and he shall be forever incapable of holding any post mentioned in § 2-26.

§ 18.1-297. If any person procure or attempt to procure a juror to be summoned, with intent that such juror shall find a verdict for or against either party, he shall be fined not exceeding five hundred dollars.

§ 18.1-298. If any person be guilty of any fraud, either by tampering with the jury box prior to a draft, or in drawing a juror, or in returning into the jury box the name of any person which has lawfully been drawn out and drawing and substituting another in his stead, or in any other way in drawing of jurors, he shall be confined in jail not exceeding one year and fined not exceeding five thousand dollars.

§ 18.1-299. If any person shall install or cause to be installed or use or cause to be used any microphone or device designed for recording or transmitting for recording sound in any jury room in this State for the purpose of recording the deliberations of any jury or for the purpose of preparing a summary of such deliberations, he shall be confined in the penitentiary for not less than one nor more than five years or fined not less than one hundred nor more than one thousand dollars or both in the discretion of the jury or the court trying the case without a jury.

§ 18.1-300. If any officer wilfully and corruptly refuse to execute any lawful process requiring him to apprehend or confine a person convicted of, or charged with, an offense, or wilfully and corruptly omit or delay to execute such process, whereby such person shall escape and go at large, such officer shall be confined in jail not exceeding six months and be fined not exceeding five hundred dollars.

§ 18.1-301. If any person on being required by any sheriff or other officer refuse or neglect to assist him: (1) in the execution of his office in a criminal case, (2) in the preservation of the peace, (3) in the apprehending or securing of any person for a breach of the peace, or (4) in any case of escape or rescue, he shall be confined in jail not exceeding six months and be fined not exceeding one hundred dollars.

§ 18.1-302. If any person, being required by a conservator of the peace on view of a breach of the peace or other offense to bring before him the offender, refuse or neglect to obey the conservator of the peace, he shall be punished as is provided in the preceding section for refusing to assist a sheriff and if the conservator of the peace declare himself or be known to be such to the person so refusing or neglecting, ignorance of his office shall not be pleaded as an excuse.

§ 18.1-303. If any person knowing of the commission of an offense take any money or reward, or an engagement therefor, upon an agreement or understanding, expressed or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence thereof, he shall, if such offense be a felony, be confined in jail not more than one year and fined not exceeding five hundred dollars; and if such offense be not a felony, unless

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it be punishable merely by forfeiture to him, he shall be confined in jail not exceeding six months and fined not exceeding one hundred dollars.

§ 18.1-304. If any officer, for performing an official duty for which a fee or compensation is allowed or provided by law, knowingly demand and receive a greater fee or compensation than is so allowed or provided, he shall be fined not exceeding fifty dollars.

§ 18.1-305. If any person authorized by law to charge fees for services performed by him and issue bills therefor fraudulently issue a fee bill for a service not performed by him, or for more than he is entitled to, he shall be fined not exceeding five hundred dollars.

§ 18.1-306. If a clerk of any court or other public officer fraudulently make a false entry, or erase, alter, secrete or destroy any record in his keeping and belonging to his office, he shall be confined in jail not exceeding one year and fined not exceeding one thousand dollars.

§ 18.1-307. Any person convicted under either of the two preceding sections shall forfeit his office and be forever incapable of holding any post mentioned in § 2-26.

§ 18.1-308. If any person steal or fraudulently secrete or destroy a public record or part thereof, he shall, if the offense be not embraced by § 18.1-306, be confined in jail not exceeding one year and fined not exceeding one thousand dollars.

§ 18.1-309. If any person fraudulently destroy or conceal any will or codicil, with intent to prevent the probate thereof, he shall be confined in the penitentiary not less than two nor more than five years.

§ 18.1-310. If any person, by threats, or force, attempt to intimidate or impede a judge, justice, juror, witness, or an officer of a court, or any sergeant or other peace officer, or any revenue officer, in the discharge of his duty, or to obstruct or impede the administration of justice in any court, he shall be deemed to be guilty of a misdemeanor.

§ 18.1-311. Any person who shall falsely assume or exercise the functions, powers, duties and privileges incident to the office of sheriff, police officer, marshal, or other peace officer, or who shall falsely assume or pretend to be any such officer, shall be deemed guilty of a misdemeanor.

§ 18.1-312. No person, not such an officer as is referred to in § 19-74, shall wear any such uniform as is designated pursuant to the provisions of such section. Any violation of this section shall be punished by a fine not exceeding five hundred dollars, or confinement in jail for a term not exceeding twelve months, or both such fine and imprisonment.

§ 18.1-313. Any person who, for the purpose of collecting money, shall knowingly deliver, mail, send or otherwise use or cause to be used any paper or writing simulating or intended to simulate any warrant, process, writ, notice of execution lien or notice of motion for judgment shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five nor more than fifty dollars for each offense.

CHAPTER 7
OFFENSES AGAINST PUBLIC POLICY

ARTICLE 1
GENERAL PROVISIONS

§ 18.1-314. All laws for suppressing gaming and lotteries shall be construed as remedial.

§ 18.1-315. In every case of conviction for an offense under any of the provisions of Articles 2, 3 or 4 of this chapter except § 18.1-330, an attorney's fee of ten dollars shall be taxed in the costs and paid by the defendant; but no attorney or officer shall be entitled to the payment of any fees out of the State treasury for services rendered in a prosecution for such offense.

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ARTICLE 2

GAMBLING, BETTING, ETC.

§ 18.1-316. Any person who shall bet, wager or play at any game for money or other thing of value shall be fined not exceeding one hundred dollars, or confined in jail not exceeding sixty days, or both.

§ 18.1-317. If any person bet or wager money or other thing over the value of five dollars on any election or appointment to any office or place to be made under authority of the Constitution and laws of this State or of the United States he shall be fined not less than the value of such money or thing and not more than five times the value thereof.

§ 18.1-318. If any person playing at any game, making a wager, having share in any stake or wager, or betting on the hands or sides of another playing at any game or making a wager cheat or by fraudulent means win or acquire for himself or another money or other valuable thing, he shall be confined in jail not exceeding one year, and be fined not less than five times the value of the money or thing won or acquired.

§ 18.1-319. No person shall:

(1) Occupy any room, shed, tenement or building, or any part thereof, or any place upon any grounds, with books, apparatus or paraphernalia for the purpose of recording or registering bets or wagers or of selling or making books, pools or mutuals upon the result of any game, athletic contest or any trial of speed or power of endurance of animals or beasts,

(2) Being the owner or lessee or occupant of any room, tent, tenement, shed, booth or building or part thereof, knowingly permit the same to be used or occupied for any such purpose, or therein keep, exhibit or employ any device or apparatus for the purpose of recording or registering such bets or wagers or the selling or making of such books, pools or mutuals,

(3) Become the custodian or depository for gain, hire or reward of any money, property or thing of value bet or wagered or to be wagered or bet contrary to the provisions of this section,

(4) Receive, register, record, forward or purport or pretend to forward to or for any game, athletic contest or any race course any money, thing or consideration of value offered for the purpose of being bet or wagered upon any game or athletic contest or the speed or endurance of any animal or beast,

(5) Occupy any place or building or part thereof with books, papers, apparatus or paraphernalia for the purpose of receiving or pretending to receive, recording, registering or forwarding, or pretending or attempting to forward, in any manner whatever, any money, thing or consideration of value bet or to be bet contrary to the provisions of this section, or

(6) Aid, assist or abet at any race track or place in any manner in any of the acts forbidden by this section.

Any person violating the provisions of this section shall be fined not less than two hundred nor more than one thousand dollars and be imprisoned not less than thirty days nor more than ninety days.

But nothing in this section shall be construed to prevent agricultural associations and riding and driving clubs or associations from offering a purse or premium at such trials of speed of animals or beasts as may be held by them.

§ 18.1-320. No person shall:

(1) By any way, means, or device make any bet or wager or receive, record, register or forward, or purport or pretend to forward, any money, thing or consideration of value to be bet or wagered upon the result of any trial of speed or power of endurance or skill of animals or beasts which is to take place beyond the limits of this Commonwealth,

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(2) By any way, means or device, aid, assist or abet in the making of any bet or wager or the receiving, recording, registering or forwarding, or purporting or pretending to forward, any money, thing or consideration of value to be bet or wagered upon the result of any trial of speed or power of endurance or skill of animals or beasts which is to take place beyond the limits of this Commonwealth, or

(3) Aid or assist or abet in any way or in any manner in any of the acts forbidden by this section.

Any person violating the provisions of this section shall be fined not less than two hundred dollars and be confined in jail not less than thirty nor more than ninety days.

§ 18.1-321. In addition to the penalties provided in §§ 18.1-319 and 18.1-320, all money and gambling paraphernalia found in connection with the promotion, operation or conduct of any race or attempted race and all moneys found in any place in which bets on races are received, shall be forfeited to the Commonwealth and may be seized by an officer and held to await proceedings for condemnation; provided, that such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law. The money or other personal property so forfeited shall be disposed of as provided by law.

§ 18.1-322. Whoever for the purpose of competing for a purse, premium or stake offered by any agricultural society or by any person or association in this State:

(1) Knowingly and designedly enters, rides or drives any horse that is painted, stained or in any way marked or disguised, or that is a different horse from the one which is purported to be entered, ridden or driven, or

(2) Knowingly and designedly for the purpose of competing for a purse, premium or stake enters, rides or drives a horse in a class to which it does not belong,

Shall be punished by a fine not less than fifty dollars and not exceeding three hundred dollars or be confined in jail not less than thirty days and not exceeding six months.

§ 18.1-323. If any person keep or exhibit, for the purpose of gaming, any gaming table or bank of any name or description whatever or any table or bank used for gaming which has no name, any wheel of fortune or slot machine, or any pigeon-hole table or Jennie Lynn table, whether the game or table be played with cards, dice, or otherwise, or be a partner or concerned in interest in the keeping or exhibiting such table or bank, he shall be confined in jail not less than two nor more than twelve months, and fined not less than one hundred nor more than one thousand dollars. Any such table, bank or wheel of fortune and all the money, stakes or exhibits to allure persons to bet at such table, bank or wheel may be seized by order of the court, or under warrant of a justice of the peace or a judge or clerk of a court not of record, and the money so seized shall be forfeited, one-half to the person making the seizure, and the other half to the Commonwealth, and the table, bank, machine or wheel shall be burned; provided that when any billiard or pool table or other paraphernalia, not inherently gambling paraphernalia, is so seized, the court may, in its discretion, award the same to some charitable organization or war recreation center, upon condition that it be used only for the purpose of recreation.

§ 18.1-324. If any person knowingly permit a gaming table, gaming bank or wheel of fortune, such as is mentioned in the preceding section, to be kept or exhibited on any premises in his occupation, or shall keep a place resorted to for the purpose of gaming, or a place frequented for such purposes, or shall reside in such place for such purposes, he shall be confined in

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jail not exceeding one year, and fined not less than one hundred nor more than one thousand dollars.

§ 18.1-325. If any person act as doorkeeper, guard or watch or employ another person to act as such for a keeper or exhibitor of a gaming table, gaming bank or wheel of fortune, or a place resorted to for the purpose of gaming, or resist, or by any means or device hinder or delay the lawful arrest of such keeper or exhibitor, or person conducting such place, or the seizure of the table, bank, wheel or money exhibited or staked thereat, or unlawfully take the same from the person seizing it, he shall be confined in jail not exceeding one year, and fined not exceeding one thousand dollars.

§ 18.1-326. If any person bet or play at any such table, bank, or wheel of fortune as is mentioned in § 18.1-323, or if at any ordinary, race field, storehouse, tavern, inn or other public house, or in any street, highway, or other public place, or in any outhouse or other place where people resort for the purpose of gaming, he play at any game except billiards, bowls, chess. backgammon, drafts, dominos or a licensed game, or bet on the sides of those who play, he shall be fined thirty dollars and shall, if required by the court, give security for his behavior for one year or in default thereof, shall be confined in jail not exceeding three months.

§ 18.1-327. All houses and offices commonly known as public, and all gaming houses, are included within the meaning of the preceding section. Any room attached to any such public house, and commonly used for gaming, is also included, whether the same be kept closed or open.

A business office after business hours, or a private residence, is not to be construed as within the meaning of a public house or place, unless such office after business hours, or private residence, is commonly used for gaming.

§ 18.1-328. In prosecutions under the two preceding sections, it shall not be necessary for the Commonwealth to prove that any money, or articles of value, or the representation of either, was bet at such game.

§ 18.1-329. If any person:

(1) Keep or exhibit for sale or use, or be concerned in interest in keeping or exhibiting for sale or use, any (a) punch board or similar device of any kind or description, (b) slot machine or similar device of any kind or character, or (c) other device that operates on the nickel-in-the-slot principle, in the operation of which any element of chance whatever may enter, or through and from which it may be possible for one person to get any article of more value than that which any other person could or would get, or through and from which the article or thing vended is not the fair equivalent in value to the coin required to operate such machine or device, or

(2) Permit any such punch board, slot machine or similar device to be kept or exhibited for sale or use in his place of business or in any other place in this State,

He shall be guilty of a misdemeanor and such punch board, slot machine or other device shall be deemed a gaming apparatus and shall be embraced within the provisions of §§ 19.1-84, 19.1-86 and 19.1-87, insofar as such sections relate to gaming apparatus.

The possession of any such punch board, slot machine or other device shall be prima facie evidence of the exhibition for sale or use thereof.

Any slot machine or device that operates on the nickel-in-the-slot principle and which does not uniformly return to the customer in each transaction the equivalent in value and kind of merchandise unaccompanied by coins, trade checks or other items of monetary value that it returned in each preceding transaction shall be deemed to embody the element of chance within the meaning of this section, even though the machine or device be so constructed as to indicate in advance of each transaction what it will dispense upon the deposit of the next coin or slug.

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§ 18.1-330. No person shall:

(1) Manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport or expose for sale or lease, offer to sell, rent, lease, let on shares, lend or give away, permit the operation of, or permit to be placed, maintained, used or kept in any room, space or building of any kind, public or quasi-public or private, owned, leased or occupied by him or under his management or control any slot machine or device as hereinafter defined; or,

(2) Make or permit to be made with any person any agreement, express or implied or in any other way, with reference to any slot machine or device, as hereinafter defined, pursuant to which the user thereof, as a result of any element of chance or other unpredictable outcome, may become entitled to receive any money, credit, allowance or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value, whether through such machine automatically or by delivery in any manner.

§ 18.1-331. Any machine, apparatus or device is a slot machine or device within the provisions of the preceding section if it is one that is adapted or may readily be converted into one that is adapted, for use in such a way that, as a result of the insertion of any piece of money or coin or other object such machine or device is caused to operate or may be operated, and by reason of any element of chance or of other outcome of such operation unpredictable by him the user (a) may receive or become entitled to receive any piece of money, credit, allowance or thing of value, or any check, slug, token or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance or thing of value, or which may be given in trade, or (b) may secure additional chances or rights to use such machine, apparatus or device, irrespective of whether it may, apart from any element of chance or unpredictable outcome of such operation, also sell, deliver or present some merchandise, indication of weight, entertainment or other thing of value. Such machine, apparatus or device is no less a slot machine or device within the provisions of the preceding section if it indicates beforehand the definite result of one or more operations but not of all operations.

§ 18.1-332. Any person violating any provision of § 18.1-330 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars and not more than one thousand dollars, or by confinement in jail not less than thirty days and not more than twelve months, or by both such fine and confinement.

§ 18.1-333. Any article or apparatus possessed, maintained, kept or used in violation of the provisions of § 18.1-330 is hereby declared to be a public nuisance and may, together with all money and tokens therein, be seized under a search warrant issued in accordance with law. Any money so seized shall be forfeited to the Commonwealth and such article or apparatus shall be destroyed.

§ 18.1-334. If it shall come to the knowledge of the Governor that § 18.1-330 is not being enforced in any county, city or town, the Governor may call upon the Attorney General to direct its enforcement in such county, city or town, and thereupon the Attorney General may instruct the attorney for the Commonwealth, sheriff and chief of police, if any, of such county, or the attorney for the Commonwealth and chief of police of such city, or the attorney for the Commonwealth of the county in which such town is located and the chief of police or sergeant of such town, to take such steps as may be necessary to insure the enforcement of such section in such county, city or town, and if any such officers, after receiving such instructions, shall thereafter fail or refuse to exercise diligence in the enforcement of § 18.1-330, the Attorney General shall make report thereof in

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writing to the Governor and to the judge of the court of record having jurisdiction over the acts thereby prohibited, and thereupon the Attorney General upon being directed so to do by the Governor, shall take such steps as he may deem proper in directing the institution and prosecution of criminal proceedings, to secure the enforcement of § 18.1-330.

§ 18.1-335. After a hearing, the Alcoholic Beverage Control Board shall suspend or revoke the license of any person who it shall find has violated or permitted the violation of § 18.1-330 upon premises for which such board shall have issued a license for the sale of wine or beer to the public.

§ 18.1-336. Any person who shall conduct or be interested in conducting any game played for money or other thing of value, or "rake off" of any money or other thing of value from a pool made up by those who are engaged in playing cards or other game for money or other thing of value, whether such "rake off" be for profit or for the necessary expenses of the game or for any other purposes whatever, or shall receive directly or indirectly any money or other thing of value as compensation for conducting such game or for furnishing the room or paraphernalia for such game, shall be guilty of a misdemeanor and shall be punished by confinement in jail not less than six months nor more than twelve months.

§ 18.1-337. If a keeper of an ordinary or house of entertainment permit unlawful gaming at his house or at any outhouse, booth, arbor or other place appurtenant thereto or held therewith he shall be fined one hundred dollars and shall forfeit his license and give surety for his good behavior for one year, or in default of such surety be confined in jail not exceeding four months.

§ 18.1-338. In a prosecution under the preceding section, if the gaming be proved, it shall be presumed it was permitted by the keeper of the house, unless it appear that he did not know of or suspect such gaming or that he endeavored to prevent it and gave information of it with the names of the players to the next court of the county or corporation.

§ 18.1-339. If a keeper of an ordinary or house of entertainment let or hire to another person any outhouse or other place which has been at any time appurtenant to or held with the house kept by him, with intent that unlawful gaming be permitted thereat, he shall suffer the same punishment and incur the same forfeiture as if such unlawful gaming were permitted at his own principal house; and in a prosecution therefor, if the gaming be proved, it shall be presumed that such outhouse or other place was let or hired with intent aforesaid, unless the presumption be repelled in the manner mentioned in the preceding section.

§ 18.1-340. If any person:

(1) Set up, promote or be concerned in managing or drawing a lottery or raffle for money or other thing of value,

(2) Knowingly permit such lottery in any house under his control,

(3) Knowingly permit money or other property to be raffled for in such house, or to be won therein, by throwing or using dice, or by any other game of chance,

(4) Knowingly permit the sale in such house of any chance or ticket in, or share of a ticket in, a lottery, or any writing, certificate, bill, token or other device purporting or intended to guarantee or assure to any person, or entitle him to a prize or share of, or interest in a prize to be drawn in a lottery, or,

(5) For himself or another person buy, sell or transfer, or have in his possession for the purpose of sale or with intent to exchange, negotiate or transfer, or aid in selling, exchanging, negotiating or transferring, a chance or ticket in or share of a ticket in a lottery, or any such writing, certificate, bill, token or device,

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He shall be confined in jail not exceeding one year, and fined not exceeding five hundred dollars; provided that any person who shall violate any of the provisions of this section when such violation shall consist of the operation or conduct of a lottery commonly known as the numbers game or the numbers racket shall be confined in the penitentiary not less than one year nor more than ten years and fined not less than five hundred dollars, or in the discretion of the jury or the court trying the case without a jury, he shall be confined in jail not less than six months nor more than twelve months and fined not more than five hundred dollars, either or both.

§ 18.1-341. All money and things of value drawn or proposed to be drawn by an inhabitant of this State and all money or things of value received by such person by reason of his being the owner or holder of a ticket or share of a ticket in any lottery or pretended lottery, contrary to this chapter, and all money, gambling paraphernalia, office equipment and all other personal property of any kind or character used in connection with the promotion, operation or conduct of any lottery or attempted lottery shall be forfeited to the Commonwealth and may be seized by an officer and held to await proceedings for condemnation; provided, that such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law. The money or other personal property so forfeited shall be disposed of as provided by law.

§ 18.1-342. The governing body of any county having and operating under the county board form of organization and government under Article 5 of Chapter 12 of Title 15 of the Code of Virginia or the county manager form of organization and government under Chapter 11 of Title 15 of the Code of Virginia, respectively, is hereby authorized and empowered to adopt ordinances prohibiting lotteries and games of chance and providing for the punishment of persons engaged in managing or promoting lotteries or buying or selling chances or being concerned therein as provided by § 18.1-340 of the Code of Virginia. Such counties are authorized and empowered by ordinances to institute forfeiture proceedings as provided by § 18.1-341 of the Code of Virginia, and such proceedings for the enforcement of said forfeitures may be instituted and conducted in the name of said county, and the procedure shall be mutatis mutandis, the same as is prescribed in § 19.1-17 of the Code of Virginia and other sections relating thereto for forfeiture proceedings by the Commonwealth.

§ 18.1-343. Whenever any person shall be engaged in committing, or in permitting to be committed, or shall be about to commit, or permit, any act prohibited by any one or more of §§ 18.1-316 to 18.1-329 and §§ 18.1-336 to 18.1-340, the attorney for the Commonwealth of the county or city in which such act is being, or is about to be, committed or permitted, or the Attorney General of the State, may institute and maintain a suit in equity in the appropriate court, in the name of the State, upon the relation of such attorney for the Commonwealth, or the Attorney General, to enjoin and restrain such person from committing, or permitting, such prohibited act or acts. The procedure in any such suit shall be similar to the procedure in other suits for injunctions, except that no bond shall be required upon the granting of either a temporary or permanent injunction therein.

ARTICLE 3

TOBACCO, CERTAIN DRUGS, WEAPONS, TOY FIREARMS, ETC.

§ 18.1-344. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, or if any person

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sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under sixteen years of age cigarettes or tobacco in any form, having good cause to believe him to be a minor under sixteen years of age such person shall be guilty of a misdemeanor and be fined not less than two dollars and fifty cents nor more than one hundred dollars.

§ 18.1-345. Any manufacturer of cigarettes who shall employ opium, marihuana, loco weed or any other sedative, narcotic or hypnotic drug, or like chemical or substance, either in the tobacco used or paper wrappers of cigarettes, cigars, tobacco or any otherwise undiluted foodstuff or beverage, other than that advertised, sold and used as a drug or medicine, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or confined in jail not less than six months nor more than twelve months, or both, for each offense.

§ 18.1-346. All cannabis, coca leaves, heroin, cocaine, opium, morphine, or laudanum, or any compound, manufacture, mixture, salt, derivative or preparation thereof; or any synthetic substitute for cannabis, coca leaves, heroin, cocaine, opium, morphine, or laudanum, or any compound, manufacture, mixture, salt, derivative or preparation thereof, used in violation of § 18.1-345 of the Code of Virginia or §§ 54-487 to 54-519, inclusive, of the Code, known as the "Uniform Narcotic Drug Act", or found in the possession of any person contrary to the "Uniform Narcotic Drug Act"; and all money, medical equipment, office equipment, laboratory equipment and all other personal property of any kind or character, used in connection with the use or possession of such drugs in violation of law, shall be forfeited to the Commonwealth and may be seized by an officer to be disposed of as provided by law.

§ 18.1-347. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars, or confined in jail for a period not less than thirty nor more than ninety days, or both. Each sale of any of the articles hereinbefore specified to any person shall constitute a separate offense.

Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

§ 18.1-348. The provisions of this article shall not supersede the provisions of §§ 54-440 through 54-445 of this Code.

ARTICLE 4

POOL ROOMS AND DANCE HALLS

§ 18.1-349. No minor shall frequent, play in or loiter in any public poolroom or billiard room operated in conjunction with any establishment licensed under the Alcoholic Beverage Control Act; nor shall any minor under eighteen years of age frequent, play in or loiter in any other public poolroom or billiard room; nor shall the proprietor of any public poolroom or billiard room or his agent permit any minor to frequent, play in or loiter in any such place in violation of the foregoing provisions of this section.

Any such minor or any such proprietor or agent violating the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than five dollars or by imprisonment in jail not more than six months or by both such fine and imprisonment.

But nothing in this section shall apply to any poolroom or billiard room located at a health resort with a natural mineral spring, nor to military or

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naval personnel in uniform in any poolroom or billiard room, or within any county which has adopted the county manager form of organization and government provided for in Chapter 11 of Title 15 of this Code, and which has adopted an ordinance regulating the frequenting of poolrooms and billiard rooms by minors. Any such county is hereby authorized to adopt such ordinances.

§ 18.1-350. No person, firm or corporation shall, in any county in this State, operate or conduct a public dance hall, as herein defined, without a permit. Such permit may be obtained from the circuit court of the county in which such public dance hall is located, or the judge thereof in vacation, on satisfactory evidence that the applicant is a proper person to receive the same. It may be revoked at any time by the court or judge granting the same. This section, however, shall not apply to dances held for benevolent or charitable purposes, or when the same are conducted under the auspices of religious, educational, civic or military organizations.

§ 18.1-351. A public dance hall, within the meaning of the preceding section, shall be construed to mean any place open to the general public where dancing is permitted to which an admission fee is charged or for which compensation is in any manner received either directly or indirectly by cover charge or otherwise, or where refreshments or food or any form of merchandise are served for compensation before, during or after dancing. The sale of any refreshments, food or any form of merchandise at any such place or the exhibiting of such for sale shall be deemed direct compensation for any such dance hall within the meaning of this section.

§ 18.1-352. Any person violating any provision of § 18.1-350 shall be guilty of a misdemanor and, upon conviction therof, shall be fined not less than fifty nor more than five hundred dollars for each offense.

§ 18.1-353. Nothing contained in §§ 18.1-350 to 18.1-352 shall be construed as exempting any such public dance hall from the payment of any license tax imposed by law; and the governing body of each and every county is hereby authorized to impose a county license of not exceeding six hundred dollars on every person operating or conducting any such public dance hall in such county.

§ 18.1-354. The governing body of any county may, by ordinance, regulate licensed public dance halls as defined in § 18.1-351 by prescribing the hours and times during which such licensed dance halls shall not be kept open or operated in such county.

Any county may prescribe the punishment for violations of ordinances adopted pursuant to this section or § 18.1-353.

ARTICLE 5

PRIZE FIGHTING, ETC.

§ 18.1-355. No person, club, corporation, association or other organization shall engage in or conduct any wrestling, boxing or sparring exhibition or match except in compliance with the provisions of Chapter 4 of Title 9 of this Code.

ARTICLE 6

SEGREGATION OF RACES

§ 18.1-356. Every person, firm, institution or corporation operating, maintaining, keeping, conducting, sponsoring or permitting any public hall, theatre, opera house, motion picture show or any place of public entertainment or public assemblage which is attended by both white and colored persons shall separate the white race and the colored race and shall set apart and designate in each such public hall, theatre, opera house, motion picture show or place of public entertainment or public assemblage certain seats therein to be occupied by white persons and a portion thereof,

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or certain seats therein, to be occupied by colored persons and any such person, firm, institution or corporation that shall fail, refuse or neglect to comply with the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

§ 18.1-357. Any person who fails, while in any public hall, theatre, opera house, motion picture show or place of public entertainment or public assemblage, to take and occupy the seat or other space assigned to them in pursuance of the provisions of the preceding section by the manager, usher or other person in charge of such public hall, theatre, opera house, motion picture show or place of public entertainment or public assemblage or whose duty is to take up tickets or collect the admission from the guests therein, or who shall fail to obey the request of such manager, usher or other person, as aforesaid, to change his seat from time to time as occasion requires, in order that the preceding section may be complied with, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars for each offense. Furthermore such person may be ejected from such public hall, theatre, opera house, motion picture show or other place of public entertainment or public assemblage by any manager, usher or ticket taker, or other person in charge of such public hall, theatre, opera house, motion picture show or place of public entertainment or public assemblage, or by a police officer or any other conservator of the peace, and if such person ejected shall have paid admission into such public hall, theatre, opera house, motion picture show or other place of public entertainment or public assemblage, he shall not be entitled to a return of any part of the same.

ARTICLE 7

SUNDAY OFFENSES

§ 18.1-358. If a person on a Sunday be found laboring at any trade or calling, or employ his apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars for each offense. Every day any person or servant or apprentice is so employed shall constitute a distinct offense and the court in which or the judge by whom any judgment of conviction is rendered may require of the person so convicted a recognizance on a penalty of not less than one hundred or more than five thousand dollars, with or without security, conditioned that such person shall be of good behavior, and especially to refrain from a repetition of such offense, for a period not exceeding twelve months. This section shall not apply to furnaces, kilns, plants and other business of like kind that may be necessary to be conducted on Sunday, nor to the sale of gasoline, or any motor vehicle fuel, or any motor oil or oils, nor to the operation of motion picture theatres.

§ 18.1-359. The penalty imposed by the preceding section shall not be incurred by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath, and actually refrains from all secular business and labor on that day, provided he does not compel an apprentice or servant, not of his belief, to do secular work of business on a Sunday, and does not on that day disturb any other person.

§ 18.1-360. No railroad company, receiver, or trustee, controlling or operating a railroad, shall, by any agent or employee, load, unload, run or transport upon such road on a Sunday, any car, train of cars or locomotive, nor permit the same to be done by any such agent or employee, except:

(1) When such cars, trains or locomotives are used exclusively for the relief of a wrecked train or trains so disabled as to obstruct the main track of the railroad;

(2) For the transportation of the United States mail;

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(3) For the transportation of passengers and their baggage;

(4) When such cars, trains or locomotives constitute interstate freight trains exclusively, which trains may be run through the State of Virginia without stopping at local stations for interchange of freight; or

(5) For the transportation of live stock or articles of such perishable nature as would necessarily impair in value by one day's delay in their passage; provided, however, that if it should be necessary to transport live stock or perishable articles on a Sunday to an extent not sufficient to make a whole train load, such train load may be made up with cars loaded with ordinary freight.

But the State Corporation Commission may, at such times as necessity may require, either to meet an emergency or to save life or property, suspend the restriction of this section and authorize the running, loading or unloading on Sunday of freight trains on any railroad, and of any car or locomotive.

The State Corporation Commission may upon petition, duly verified, of any railroad company, either by general rule or special order, or both, authorize the running, loading or unloading on Sunday of freight trains on such railroad, and of any car or locomotive, for any of the causes in the provisions of this section.

§ 18.1-361. The word "Sunday" as used in the preceding section shall be construed to embrace only that portion of the day between sunrise and sunset; and trains in transitu having started prior to twelve o'clock on Saturday night, may, in order to reach the terminus or shops of the railroad, run until nine o'clock the following Sunday morning, but not later.

§ 18.1-362. Any railroad company, receiver, or trustee violating the provisions of § 18.1-360 shall be deemed to have committed a separate offense in each county or corporation in which such car, train of cars, or locomotive shall run, or in which such car or train of cars shall be loaded or unloaded; and shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 18.1-363. No steamboat company shall by any agent or employee load or unload on a Sunday any steamship or steamboat arriving at any port or landing on the bays, rivers, or other waters of this State or permit the same to be done by any such agent or employee except when such steamship or steamboat is for the transportation

(1) Of the United States mails,

(2) Of passengers and their baggage, or

(3) Of through freight in transitu, or of live stock, or of articles of such perishable nature as would be necessarily impaired in value by one day's delay in their passage. But nothing in this section shall be construed as preventing any steamship or steamboat arriving at any port or landing on the bays, rivers, and other waters of this State not its final point of destination from unloading any and all freight intended for delivery at such intermediate port or landing or from loading and taking on any and all freight intended for shipment from such intermediate port or landing to the final destination of such steamship or steamboat. Any steamship or steamboat company violating the provisions of this section shall be deemed to have committed a separate offense in each county or corporation in which such steamship or steamboat shall land and be unloaded and shall be fined in a sum not less than fifty nor more than one hundred dollars for each offense.

ARTICLE 8

WEARING MASKS, BURNING CROSSES, ETC.

§ 18.1-364. It shall be unlawful for any person over sixteen years of age while wearing any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the

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wearer, to be or appear in any public place, or to be or appear upon any private property in this State without first having obtained from the owner or tenant thereof consent to do so in writing. Provided, however, that the provisions of this section shall not apply to persons wearing traditional holiday costumes, or to persons engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons, or to persons engaged in any bona fide theatrical production or masquerade ball.

§ 18.1-365. It shall be unlawful for any person or persons to place or cause to be placed on the property of another in the Commonwealth of Virginia a burning or a flaming cross, or any manner of exhibit in which a burning or flaming cross, real or simulated, is a whole or a part, without first obtaining written permission of the owner or occupier of the premises so to do.

§ 18.1-366. It shall be unlawful for any person or persons while masked or unmasked to place or cause to be placed anywhere in the Commonwealth of Virginia any exhibit of any kind or to commit or cause to be committed any act with the intention of intimidating any person or persons, and thereby preventing them from doing any act which is lawful, or causing them to do any act which is unlawful.

§ 18.1-367. Any person violating the provisions of this article shall be punished by confinement in the penitentiary for not less than one nor more than five years, or, in the discretion of the jury, or the court trying the case without a jury, by a fine of not more than five hundred dollars and a jail sentence of not more than twelve months.

ARTICLE 9

EMERGENCY TELEPHONE CALLS

§ 18.1-368. Any person who fails to relinquish a telephone party line after he has been requested to do so to permit another to place an emergency call, shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars or by confinement in jail for not more than ten days, or both; provided, that this section shall not apply to any person who is himself using the telephone party line for such an emergency call.

§ 18.1-369. Any person who requests another to relinquish a telephone party line on the pretext that he must place an emergency call, knowing such pretext to be false, shall be guilty of a misdemeanor and punished as provided in § 18.1-368.

§ 18.1-370. As used in this article "telephone party line" means a subscribers' line circuit consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. "Emergency call" means a call to report a fire or summon police, or for medical aid or ambulance service, in a situation where human life or property are in jeopardy and the prompt summoning of aid is essential.

§ 18.1-371. Every telephone directory distributed to the public which lists the calling numbers of telephones or of any telephone exchange located in this State shall contain a notice which explains the offenses made punishable under §§ 18.1-368 and 18.1-369, such notice to be printed in type which conforms with and is comparable to other type on the same page, and to be placed in a prominent place in such directory. Any violation of this section shall be a misdemeanor and punished as provided in § 18.1-368.

ARTICLE 10

SOLICITING OR SPENDING FUNDS FOR LITIGATION

§ 18.1-372. As used in this article the term "person" shall mean any individual, partnership, corporation or association, whether formally or informally organized. "Party" shall include an amicus curise.

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§ 18.1-373. No person shall engage in the solicitation of funds from the public or any segment thereof when such funds will be used in whole or in part to commence or to prosecute further any original proceeding, unless such person is a party or unless he has a pecuniary right or liability therein, nor shall any person expend funds from whatever source received to commence or to prosecute further any original proceeding, unless such person is a party or has a pecuniary right or liability therein, until any person shall first:

(1) If a partnership, corporation or association, file annually, in the month of January or within sixty days after the engaging in of any activity subject to this article, with the clerk of the State Corporation Commission (a) a certified copy of the charter, articles of agreement or association, by-laws or other documents, creating, governing or regulating the operation of such partnership, corporation or association if not of record in the office of the State Corporation Commission; (b) a certified list of the names and addresses of the officers, directors, stockholders, members, agents and employees or other persons acting for or in behalf of such partnership, corporation or association; (c) a certified statement showing the source of each and every contribution, membership fee, dues payment or other item of income or other revenue of such partnership, corporation or association during the preceding calendar year and if required by the State Corporation Commission the name and address of each and every person or corporation or association making any donation or contribution; (d) a certified statement showing in detail by each transaction the expenditures of such partnership, corporation or association during the preceding calendar year, the objects for which made and any other information relative thereto required by the State Corporation Commission; and (e) a certified statement showing the locations of each office or branch of such partnership, corporation or association, and the counties and cities in which it proposes to or does finance or maintain litigation to which it is not a party.

(2) If an individual, file annually with the clerk of the State Corporation Commission (a) the home and each business address of such individual; (b) the name and address of any partnership, corporation or association for whom such individual acts or purports to act; (c) the names and addresses of all directors and officers of any such partnership, corporation or association; (d) a certified statement showing the source of each and every contribution, dues payment or membership fee collected by such individual during the preceding calendar year; and (e) a certified statement in detail by each transaction the expenditures made by such individual for the purpose of financing or maintaining litigation to which such individual is not a party.

§ 18.1-374. If any individual shall violate any provision of this article he shall be guilty of a misdemeanor and may be punished as provided by law. If any partnership, corporation or association violates any provision of this article it may be fined not more than ten thousand dollars, and if a foreign corporation or association shall be denied admission to do business in Virginia, if not admitted, and if admitted, shall have its authority to do business in Virginia revoked.

§ 18.1-375. Any individual, acting for himself or as an agent or employee of any partnership, corporation or association, who shall file any statement, certificate or report required by this article, knowing the same to be false or fraudulent, shall be guilty of a felony and punished as provided in §§ 18.1-376 and 18.1-377 of the Code.

§ 18.1-376. Any individual acting as an agent or employee of any partnership, corporation or association in any activity in violation of this article shall be guilty of a misdemeanor and may be punished as provided by law.

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§ 18.1-377. Any court of record having civil jurisdiction shall have power to enjoin violations of this article. A violation shall be deemed to have occurred in any county or city in which any partnership, corporation or association expends funds to commence, prosecute or further any judicial proceeding to which it is not a party or in which it has no pecuniary right or liability, or in which county or city it solicits, accepts or receives any money or thing of value to be used for such purpose, without having filed the information required in § 18.1-373, and the court or judge hearing the application shall have power to enjoin the violator from any violation of this article anywhere in this State.

§ 18.1-378. In any case in which a citizen files a statement with the Attorney General, alleging on information and belief that a violation of this article has occurred and the particulars thereof are set forth, the Attorney General, after investigation and a finding that the complaint is well founded, shall institute proceedings in the Circuit Court of the City of Richmond for an injunction to restrain the violation complained of, and such court is hereby vested with jurisdiction to grant the same.

§ 18.1-379. If a fine is imposed on any partnership, corporation or association for violation of the provisions of this article, each director and officer of such corporation or association, each member of the partnership, and those persons responsible for the management or control of the affairs of such partnership, corporation or association may be held jointly and severally personally liable for payment of such fine.

ARTICLE 11
ACTIVITIES TENDING TO CAUSE RACIAL CONFLICTS OR VIOLENCE

§ 18.1-380. The continued harmonious relations between the races are hereby declared essential to the welfare, health and safety of the people of Virginia. It is contrary to the public policy of the State to permit those conditions to arise between the races which impede the peaceful coexistence of all peoples in the State and it is the duty of the government of the State to exercise all available means and every power at its command to prevent the same so as to protect its citizens from any dangers, perils and violence which would result from inter-racial tension and unrest and possible violations of Article 2 (§ 18.1-27 et seq.) of Chapter 2 of Title 18.1 of the Code of Virginia. It is therefore further declared that it is vital to the public interest that information to the extent and in the manner hereinafter provided be obtained with respect to persons, firms, partnerships, corporations and associations whose activities are causing or may cause inter-racial tension and unrest.

§ 18.1-381. Every person, firm, partnership, corporation or association, whether by or through its agents, servants, employees, officers or voluntary workers or associates, who or which engages as one of its principal functions or activities in the promoting or opposing in any manner the passage of legislation by the General Assembly in behalf of any race or color, or who or which has as one of its principal functions or activities the advocating of racial integration or segregation or whose activities cause or tend to cause racial conflicts or violence, or who or which is engaged or engages in raising or expending funds for the employment of counsel or payment of costs in connection with litigation in behalf of any race or color, in this State, shall, within sixty days after December 29, 1956, and annually within sixty days following the first of each year thereafter, cause his or its name to be registered with the clerk of the State Corporation Commission, as hereinafter provided; provided that in the case of any person, firm, partnership, corporation, association or organization, whose activities have not been of such nature as to require it to regis-

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ter under this article, such person, firm, partnership, corporation, association or organization, within sixty days following the date on which he or it engages in any activity making registration under this article applicable, shall cause his or its name to be registered with the clerk of the State Corporation Commission, as hereinafter provided; and provided, further, that nothing herein shall apply to the right of the people peaceably to assemble and to petition the government for a redress of grievances, or to an individual freely speaking or publishing on his own behalf in the expression of his opinion and engaging in no other activity subject to the provisions hereof and not acting in concert with other persons.

§ 18.1-382. At the time of such registration, the following information as to the preceding twelve month period shall be furnished under oath and filed in such clerk's office:

If the registrant is an individual, firm or partnership, the home and each business address of such individual, or member of the firm or partnership, the source or sources of any funds received or expended for the purposes set forth in § 18.1-381, including the name and address of each person, firm, partnership, association or corporation making any contribution, donation or gift for such purposes; and an itemized statement of expenditures for such purposes in detail.

If the registrant is a firm, partnership, corporation, association or organization, the business addresses of the principal and all branch offices of the registrant; the purpose or purposes for which such firm, partnership, corporation, association or organization was formed; if not already filed, a certified copy of the charter, articles of agreement or association, by-laws or other documents governing or regulating the operations of such firm, partnership, corporation or association; the names of the principal officers, the names and addresses of its agents, servants, employees, officers or voluntary workers or associates by or through which it carries on or intends to carry on the activities described in § 18.1-381 in this State; a list of its stockholders or members in this State and their addresses; a financial statement showing the assets and liabilities of the registrant and the source or sources of its income, itemizing in detail any contributions, donations, gifts or other income, and from what source or sources received during the calendar year preceding such initial registration and each year thereafter; and a list of its expenditures in detail for the same period.

§ 18.1-383. The clerk of the State Corporation Commission shall prepare and keep in his office the files containing the information required by §§ 18.1-381 and 18.1-382. Such records shall be public records and shall be open to the inspection of any citizen at any time during the regular business hours of such office.

§ 18.1-384. (a) Any person, firm or partnership who or which engages in the activities described in § 18.1-381 without first causing his or its name to be registered and information to be filed as herein required shall be guilty of a misdemeanor and punished accordingly.

(b) Any corporation, association or organization which shall engage in any activity described in § 18.1-381 without first causing its name to be registered and information to be filed as herein required shall upon conviction be fined not exceeding ten thousand dollars.

(c) Any person, acting for himself or as agent or employee of any firm, partnership, corporation or association, who shall file any statement, certificate or report required by this article, knowing the same to be false or fraudulent, shall be guilty of a felony and punished as provided in §§ 18.1-274 and 18.1-275 of the Code.

(d) When any corporation or association, upon conviction of violation of the provisions of this article, has been sentenced to payment of a fine, and has failed to promptly pay the same, both the corporation or associa-

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tion and each officer and director and those persons responsible for the management or control of the affairs of such corporation or association may be held liable jointly and severally for such fine.

(e) Each day's failure to register and file the information required by § 18.1-381 shall constitute a separate offense and be punished as such.

§ 18.1-385. Any person, firm, partnership, corporation or association engaging in any activity described in § 18.1-381 without complying with this article may be enjoined from continuing in any such activity by any court of competent jurisdiction.

§ 18.1-386. In any case in which a citizen files a statement with the Attorney General alleging on information and belief that a violation of this article has occured and the particulars thereof are set forth, the Attorney General after investigation and a finding that the complaint is well founded shall institute proceedings in the Circuit Court of the City of Richmond for an injunction to restrain the violation complained of, and such court is hereby vested with jurisdiction to grant the same.

§ 18.1-387. This article shall not apply to persons, firms, partnerships, corporations or associations who or which carry on such activity or business solely through the medium of newspapers, periodicals, magazines or other like means which are or may be admitted under United States postal regulations as second-class mail matter in the United States mails as defined in Title 39, § 224, United States Code Annotated, and/or through radio, television or facsimile broadcast or wire service operations. This article shall also not apply to any person, firm, partnership, corporation, association, organization or candidate in any political election campaign, or to any committee, association, organization or group of persons acting together because of activities connected with any political campaign.

ARTICLE 12

BARRATRY

§ 18.1-388. (a) "Barratry" is the offense of stirring up litigation.

(b) A "barrator" is an individual, partnership, association or corporation who or which stirs up litigation.

(c) "Stirring up litigation" means instigating or attempting to instigate a person or persons to institute a suit at law or equity.

(d) "Instigating" means bringing it about that all or part of the expenses of the litigation are paid by the barrator or by a person or persons (other than the plaintiffs) acting in concert with the barrator, unless the instigation is justified.

(e) "Justified" means that the instigator is related by blood or marriage to the plaintiff whom he instigates, or that the instigator is entitled by law to share with the plaintiff in money or property that is the subject of the litigation or that the instigator has a direct interest in the subject matter of the litigation or occupies a position of trust in relation to the plaintiff; or that the instigator is acting on behalf of a duly constituted legal aid society approved by the Virginia State Bar which offers advice or assistance in all kinds of legal matters to all members of the public who come to it for advice or assistance and are unable because of poverty to pay legal fees.

(f) "Direct interest" means a personal right or a pecuniary right or liability.

This article shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not protect the client from payment of the costs and expense of litigation, nor shall this article apply to any matter involving annexation, zoning, bond issues, or the holding or results of any election or referendum, nor shall this article apply to suits pertaining to or affecting possession of or title to real or personal property, regardless of ownership, nor shall this article apply to suits in-

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volving the legality of assessment or collection of taxes or the rates thereof, nor shall this article apply to suits involving rates or charges or services by common carriers or public utilities, nor shall this article apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Virginia State Bar, nor to proceedings to abate nuisances. Nothing herein shall be construed to be in derogation of the constitutional rights of real parties in interest to employ counsel or to prosecute any available legal remedy under the laws of this State.

§ 18.1-389. It shall be unlawful to engage in barratry.

§ 18.1-390. A person found guilty of barratry, if an individual, shall be guilty of a misdemeanor, and may be punished as provided by law; and if a corporation, may be fined not more than ten thousand dollars. If the corporation be a foreign corporation, its certificate of authority to transact business in Virginia shall be revoked by the State Corporation Commission.

§ 18.1-391. A person who aids and abets a barrator by giving money or rendering services to or for the use or benefit of the barrator for committing barratry shall be guilty of barratry and punished as provided in § 18.1-390.

§ 18.1-392. Courts of record having equity jurisdiction shall have jurisdiction to enjoin barratry. Suits for an injunction may be brought by the Attorney General or the attorney for the Commonwealth.

§ 18.1-393. Conduct that is made illegal by this article on the part of an attorney at law or any person holding license from the State to engage in a profession is unprofessional conduct. Upon hearing pursuant to the provisions of § 54-74 of the Code, or other statute applicable to the profession concerned, if the defendant be found guilty of barratry, his license to practice law or any other profession shall be revoked for such period as provided by law.

ARTICLE 13

INDUCING PROCEEDINGS AGAINST STATE, POLITICAL SUBDIVISIONS, ETC.

§ 18.1-394. (a) It shall be unlawful for any person not having a direct interest in the proceedings, either before or after proceedings commenced:

to promise, give or offer, or to conspire or agree to promise, give or offer, or

to receive or accept, or to agree or conspire to receive or accept, or

to solicit, request or donate,

any money, bank note, bank check, chose in action, personal service or any other personal or real property, or any other thing of value, or any other assistance as an inducement to any person to commence or to prosecute further any original proceeding in any court of this State, or before any board or administrative agency within the said State, or in any United States court located within the said State against the Commonwealth of Virginia, any department, agency or political subdivision thereof, or any person acting as an officer or employee for either or both or any of the foregoing; provided, however, this section shall not be construed to prohibit the constitutional right of regular employment of any attorney at law, for either a fixed fee or upon a contingent basis, to represent such person, firm, partnership, corporation, group, organization or association before any court or board or administrative agency.

(b) It shall be unlawful for any person, not related by blood or marriage or who does not occupy a position of trust or a position in loco parentis to one who becomes the plaintiff in a suit or action, who has no direct interest in the subject matter of the proceeding and whose professional advice has not been sought in accordance with the Virginia canons of legal

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ethics, to advise, counsel or otherwise instigate the bringing of a suit or action against the Commonwealth of Virginia, any department, agency or political subdivision thereof, or any person acting as an officer or employee for either or both or any of the foregoing.

(c) As used in this article, "person" includes person, firm, partnership, corporation, organization or association; "direct interest" means a personal right or a pecuniary right or liability.

(d) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in jail for not more than one year, or both.

§ 18.1-395. Every person who commences or prosecutes or assists in the commencement or prosecution of any proceeding against one of the parties set forth in paragraph (a) of § 18.1-394 in any court in this State, or before any board or administrative agency therein, or who may take an appeal from any such rule, order or judgment thereof, shall, on motion made by any of the parties to such proceeding or by the court or board or administrative agency in which such proceeding is pending, file with such court or agency, as a condition precedent to the further prosecution of such proceeding, the following affidavit:

I, (name of individual or corporation, organization or association, firm or partnership), petitioner (or plaintiff, appellant or whatever party he may be, or an officer thereof if a corporation, organization or association, firm or partnership) in this matter, do hereby swear (or affirm) that I have (or the corporation, organization or association, firm or partnership has) neither received, nor conspired to receive, nor have I (nor has the corporation, organization or association, firm or partnership), been promised or tendered any valuable consideration or assistance not permitted by law as an inducement to the commencement or further prosecution of the proceedings in this matter, nor has the same been instigated in violation of law.

(Signature of Affiant)
Affiant

Sworn to and subscribed before me on this, the (date) day of (month), 19 (year).

(Signature of Official Authorized to Administer Oaths)
(Title of Official)

In the case of any firm, corporation, group, organization, partnership or association required to make the above affidavit, such affidavit shall be made by the person having custody and control of the books and records of such firm, corporation, group, organization or association and one of the principal officers thereof.

Forms for such affidavit shall be furnished by the clerk of the court, and shall have printed at the bottom thereof the text of § 18.1-397 under the heading "PENALTY".

§ 18.1-396. Every attorney representing any person, firm, partnership, corporation, group, organization or association in any proceeding in any court or before any board or administrative agency in this State or who may take an appeal from any rule, order or judgment thereof, shall, on motion made by any of the parties to such proceeding or by the court or board or agency in which such proceeding is pending, file, as a condition precedent to the further prosecution of such proceeding, the following affidavit:

I, (name), attorney representing (name of party), petitioner (or plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that neither I nor, to the best of my knowledge and belief, any other person, firm, partnership, corporation, group, organization or

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association has promised, given or offered, or conspired to promise, give or offer, or solicited, received or accepted any valuable consideration or any assistance not permitted by law to said (name of party) as an inducement to said (name of party) to the commencement or further prosecution of the proceedings herein, nor has the same been instigated in violation of law.

(Signature of Affiant)
Affiant

Sworn to and subscribed before me on this, the (date) day of (month), 19 (year).

(Signature of Official Authorized to Administer Oaths)
(Title of Official)

Forms for such affidavit shall be furnished by the clerk of the court, and shall have printed at the bottom thereof the text of § 18.1-397 under the heading "PENALTY".

§ 18.1-397. Every person or attorney who shall file a false affidavit shall be guilty of perjury and shall be punished as provided by law. Every attorney who shall file a false affidavit, or who shall violate any other provision of this article, upon final conviction thereof, shall also be disbarred by order of the court in which convicted. Any attorney who shall file a false affidavit, or violate any other provision of this article, and who is not a member of the Virginia State Bar, shall, in addition to the other penalties provided by this article, be forever barred from practicing before any court or board or administrative agency of this State.

§ 18.1-398. No person shall be excused from attending or testifying or producing evidence of any kind before a grand jury or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the provisions of this article on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before the grand jury or court or in any cause or proceeding brought by the Commonwealth; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not more than one hundred eighty days, or by both such fine and imprisonment.

§ 18.1-399. This article shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not protect the client from payment of the costs and expense of litigation, nor shall this article apply to a mandamus proceeding against the State Comptroller, nor shall this article apply to any matter involving zoning, annexation, bond issues, or the holding or results of any election or referendum, nor shall this article apply to suits pertaining to or affecting possession of or title to real or personal property, regardless of ownership, nor shall this article apply to suits involving the legality of assessment or collection of taxes or the rates thereof, nor shall this article apply to suits involving rates or charges or services by common carriers or public utilities, nor shall this article apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Virginia State Bar, nor to proceedings to abate nuisances. Nothing herein shall be construed to be in derogation of the constitutional right of real parties in interest to employ

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counsel or to prosecute any available legal remedy under the laws of this State. The provisions hereof shall not affect the right of a lawyer in good faith to advance expenses as a matter of convenience but subject to reimbursement.

§ 18.1-400. Nothing in this article shall affect the provisions of § 22-10.1.

ARTICLE 14

MISCELLANEOUS OFFENSES

§ 18.1-401. It shall be unlawful for any person knowingly to give a false report as to the commission of any crime to any sheriff, deputy, member of the State Police, police officer or any other law enforcement official with intent to mislead. Violation of the provisions hereof shall be a misdemeanor.

§18.1-402. Whoever gives, promises or offers any valuable thing to any professional or amateur participant or prospective participant in any game, contest or sport, with intent to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in any professional or amateur game, contest or sport in which such participant is taking part or expects to take part, or has any duty or connection therewith, shall be guilty of a felony, punishable by imprisonment for not less than one year, nor more than ten years or by a fine of not more than ten thousand dollars, either or both, or, in the discretion of the jury or the court trying the case without a jury, confined in jail not exceeding twelve months or fined not exceeding five hundred dollars, either or both.

§ 18.1-403. A professional or amateur participant or prospective participant in any game, contest or sport or a manager, coach or trainer of any team or individual participant or prospective participant in any such game, contest or sport, who solicits or accepts any valuable thing to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in any game, contest or sport in which he is taking part, or expects to take part, or has any duty or connection therewith, shall be guilty of a felony, punishable by imprisonment for not less than one year nor more than five years or by a fine of not more than ten thousand dollars, or by confinement in jail not exceeding twelve months or by a fine not exceeding five hundred dollars, either or both, or, in the discretion of the jury or the court trying the case without a jury, confined in jail not exceeding twelve months or fined not exceeding five hundred dollars, either or both.

§ 18.1-404. (1) Any person who gives, offers or promises to an agent, employee or servant any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action to the prejudice of his principal's, employer's or master's business;

(2) An agent, employee or servant who, without the knowledge and consent of his principal, employer or master requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner as to his principal's, employer's or master's business;

(3) An agent, employee or servant who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master or to employ service or labor for his principal, employer or master receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; or

(4) Any person who gives or offers such an agent, employee or servant such commission, discount or bonus;

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Shall be guilty of a misdemeanor.

§ 18.1-405. No witness called by the attorney for the Commonwealth or by the court, and giving evidence for the prosecution in a proceeding under the preceding section shall ever be proceeded against for any offense under that section. Such witness shall be compelled to testify and for refusing to do so may be punished for contempt.

§ 18.1-406. No collection agency shall purchase any debt or other cause of action for the purpose of collecting it by legal proceedings. A collection agency is defined to be a person, firm or corporation that is not authorized or licensed to practice law and that engages in the business of collecting past-due debts or other causes of action, which then belong to another or formerly belonged to another. A collection agency that sues on any debt or cause of action that was assigned to it or purchased by it after maturity shall be conclusively presumed to have purchased it for the purpose of collecting it by legal proceedings. If a defendant shall prove in any legal proceeding that such proceeding was instituted or prosecuted in violation of this section, it shall be a complete defense to such proceeding and a bar to any subsequent proceeding on the same debt or cause of action. But the provisions of this section shall not apply to the purchase of debts or other causes of action from a receiver, trustee in bankruptcy, trustee under a deed of assignment or any estate or corporation that is in liquidation, or to companies engaged in writing credit insurance.

§ 18.1-407. Any person who knowingly and wilfully states, delivers or transmits by any means whatever to any publisher, or employee of a publisher, of any newspaper, magazine, or other publication, any false and untrue statement concerning any person or corporation, with intent that the same shall be published, shall be guilty of a misdemeanor.

§ 18.1-408. It shall be unlawful for any person, firm or corporation in this State to use the words "Official Tourist Information" or "Offcial Information Service" or other similar language for the purpose of informing tourists, motorists and other persons that the information offered is free of charge, or is sponsored by or offered under the authority of the State of Virginia or any department or agency thereof or by any municipality or any chamber of commerce or any civic agency or group of this or any other State, or the District of Columbia. Any person, firm or corporation disseminating information as contemplated in this section must state on any signboards, billboards, or other similar signs in large, easily read and legible letters, and on any advertising or other publicity media, the names of the persons, firms or corporations represented or from whom any remuneration whatsoever was received. Nothing in this section shall be construed to prohibit or affect the giving or advertising of "official tourist information" or other such service by gasoline service stations or other organizations which offer such information without a charge and without any inducement to purchase any services or products.

Any person, firm or corporation violating any provisions of this section shall be guilty of a misdemeanor.

§ 18.1-409. No person, without first obtaining the consent of the publisher so to do, shall print, stamp or impress upon any newspaper or any part thereof, after the same shall have been issued for circulation by the publisher thereof, any word, figure, design, picture, emblem or advertisement with intent to cause, or which when so printed, stamped or impressed may cause, the public to believe that such word, figure, design, picture, emblem or advertisement was printed, stamped or impressed in and upon such newspaper by the publisher of the same as a part thereof.

No person shall knowingly circulate, distribute or sell, or cause to be circulated, distributed or sold, any newspaper printed, stamped or impressed in violation of the terms hereof.

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Any person violating the provisions hereof shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars. Each violation shall constitute a separate offense.

§ 18.1-410. (a) No person shall wear the button or insignia of any trade union or veterans' organization or display upon a motor vehicle the insignia or emblem of any automobile club, medical society, trade union or veterans' organization or use such button, insignia or emblem to obtain aid or assistance unless entitled to wear, display or use the same under the constitution, by-laws, rules or regulations of the organization concerned.

(b) No person shall wear any Southern Cross of Honor when not entitled to do so by the regulations under which such Crosses of Honor are given.

(c) A violation of this section shall be a misdemeanor.

§ 18.1-411. If any member of the board of visitors or directors of any State institution, or employee or agent thereof, or any trustee of any public trust or fund, or any salaried officer of any such State institution or of any such public trust or fund, contract or be interested in any contract with such institution or with the governing authority of such public trust or fund in any manner for furnishing supplies or performing any work for such institution, or for the governing authority of such trust or fund, he shall be fined not exceeding five hundred dollars.

§ 18.1-412. Any person who without just cause therefor, calls or summons, by telephone or otherwise, any ambulance, or firefighting apparatus, shall be deemed guilty of a misdemeanor.

§ 18.1-413. It shall be unlawful for any company of gypsies or other strolling company of persons to receive compensation or reward for pretending to tell fortunes or to practice any so-called magic art.

Every person violating this section shall be guilty of a misdemeanor, and fined not less than five hundred dollars, or confined in jail not less than one, nor more than six months, or by both such fine and imprisonment.

§ 18.1-414. If any person shall hypnotize or mesmerize or attempt to hypnotize or mesmerize any person, he shall be guilty of a misdemeanor. But this section shall not apply to hypnotism or mesmerism performed by a licensed physician or surgeon, or at his request, in the practice of his profession.

§ 18.1-415. It shall be unlawful for any person, firm or corporation to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than 2 cu. ft. of clear space which is airtight, without first removing the door or doors or hinges from such icebox, refrigerator, container, device or equipment.

This section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

Any violation of the provisions hereof shall be a misdemeanor.

§ 18.1-416. It shall be unlawful for any person to use any X-ray, fluoroscope, or other equipment or apparatus employing Roentgen rays, in the fitting of shoes or other footwear. This section shall not apply to any licensed physician or surgeon in the practice of his profession. Any person violating the provisions of this section shall be guilty of a misdemeanor.

§ 18.1-417. If a master of a vessel or other person knowingly import or bring into this State from any place out of the United States any person

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convicted of crime, he shall be confined in jail for three months and be fined one hundred dollars.

CHAPTER 8

OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE

ARTICLE 1

TREASON AND RELATED OFFENSES

§ 18.1-418. Treason shall consist only in:

(1) Levying war against the State;

(2) Adhering to its enemies, giving them aid and comfort;

(3) Establishing, without authority of the legislature, any government within its limits separate from the existing government;

(4) Holding or executing, in such usurped government, any office, or professing allegiance or fidelity to it, or

(5) Resisting the execution of the laws under color of its authority.

Such treason, if proved by the testimony of two witnesses to the same overt act, or by confession in court, shall be punished with death.

§ 18.1-419. If any person knowing of such treason shall not, as soon as may be, give information thereof to the Governor, or some conservator of the peace, he shall be punished by fine not exceeding one thousand dollars, or by confinement in the penitentiary not less than three nor more than five years.

§ 18.1-420. If any person attempt to establish any such usurped government and commit any overt act therefor or by writing or speaking endeavor to instigate others to establish such government, he shall be confined in jail not exceeding twelve months and fined not exceeding one thousand dollars.

§ 18.1-421. It shall be unlawful for any person, group, or organization to advocate any change, by force or violence, in the government of the Commonwealth of Virginia or any of its subdivisions or in the government of the United States of America.

It shall be unlawful for any person to join, assist or otherwise contribute to any group or organization which, to the knowledge of such person, advocates or has as its purpose, aim or objective, any change, by force or violence, in the government of the Commonwealth of Virginia or any of its subdivisions or in the government of the United States of America.

Violation of this section is hereby declared to be a felony, punishable, upon conviction, by a fine of not less than one thousand nor more than five thousand dollars or by confinement in the penitentiary for not less than two years nor more than five years, or by both such fine and imprisonment.

Nothing herein shall be construed to limit or prohibit the advocacy, orally or otherwise, of any change, by peaceful means, in the government of the Commonwealth or any of its subdivisions or in the government of the United States.

§ 18.1-422. If any person conspire with another to incite the colored population of the State to acts of violence and war against the white population or to incite the white population of the State to acts of violence and war against the colored population, he shall, whether such acts of violence and war be made or not, be punished by confinement in the penitentiary not less than five nor more than ten years.

ARTICLE 2

UNIFORM FLAG ACT

§ 18.1-423. The words flag, standard, color, ensign or shield, as used in this article, shall include any flag, standard, color, ensign or shield, or copy,

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picture or representation thereof, made of any substance or represented or produced thereon, and of any size, evidently purporting to be such flag, standard, color, ensign or shield of the United States, or of this State, or a copy, picture or representation thereof.

§ 18.1-424. No person shall, in any manner, for exhibition or display:

(1) Place or cause to be placed any word, figure, mark, picture, design, drawing or advertisement of any nature upon any flag, standard, color, ensign or shield of the United States or of this State, or authorized by any law of the United States or of this State;

(2) Expose to public view any such flag, standard, color, ensign or shield upon which shall have been printed, painted or otherwise produced, or to which shall have been attached, appended, affixed or annexed, any such word, figure, mark, picture, design, drawing or advertisement; or

(3) Expose to public view for sale, manufacture or otherwise, or sell, give or have in possession for sale, for gift or for use for any purpose, any substance, being an article of merchandise, or receptacle, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any such flag, standard, color, ensign or shield, in order to advertise, call attention to, decorate, mark or distinguish such article or substance.

§ 18.1-425. No person shall publicly mutilate, deface, defile, trample upon, or by word or act cast contempt upon any such flag, standard, color, ensign or shield.

§ 18.1-426. This article shall not apply to any act permitted by the statutes of the United States or by the laws of this State, or by the United States armed forces regulations, nor shall it apply to any printed or written document or production, stationery, ornament, picture or jewelry whereon shall be depicted such flag, standard, color, ensign or shield, with no design or words thereon and disconnected with any advertisement.

§ 18.1-427. Any violation of § 18.1-423 shall be a misdemeanor and punishable by a fine of not more than one hundred dollars. Any violation of § 18.1-424 shall be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 18.1-428. This article shall be so construed as to effectuate its general purpose, and to make uniform the laws of the states which enact it.

§ 18.1-429. This article may be cited as the Uniform Flag Act.

3. This act shall become effective July 1, 1960.

CHAPTER 359

An Act to amend and reenact § 15-20.4 of the Code of Virginia, which was enacted as Chapter 461 of the Acts of Assembly of 1956, relating to the regulation of horse riding schools by the counties.

[S 2]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-20.4 of the Code of Virginia, which was enacted as Chapter 461 of the Acts of Assembly of 1956, be amended and reenacted as follows:

§ 15-20.4. The governing body of any county may by ordinance provide for the licensing, inspection and regulation of horse riding schools for the purpose of preventing any violation of § **18.1-216* of the Code of Virginia or any local ordinances of similar import.

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For the purpose of this section, "horse riding school" shall mean any establishment operated for profit in connection with which one or more horses are let for hire to be ridden or driven, either with or without the furnishing of riding or driving instructions.

2. This act shall become effective on July 1, 1960.

CHAPTER 360

An Act to amend and reenact § 15-548 of the Code of Virginia, relating to the punishment for violations of §§ 15-546 and 15-547 of the Code.

[S 3]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-548 of the Code of Virginia be amended and reenacted as follows:

§ 15-548. Any violation of either of the two preceding sections shall be a misdemeanor and shall be punishable as provided by § **18.1-9*.

2. This act shall become effective on July 1, 1960.

CHAPTER 361

An Act to amend and reenact §§ 16.1-26 and 16.1-27 of the Code of Virginia, relating, respectively, to the powers of courts not of record to punish for contempt and to issue process.

[S 4]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-26 and 16.1-27 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-26. A judge of a court not of record shall have the same powers and jurisdiction as a judge of a court of record to punish summarily for contempt, but in no case shall the fine exceed fifty dollars and imprisonment exceed **ten* days for the same contempt. From any such fine or sentence there shall be an appeal of right within the period prescribed in this title and to the court or courts designated therein for appeals in other cases and the proceedings on such appeal shall conform in all respects to the provisions of § **18.1-294*.

§ 16.1-27. Except as otherwise provided by general law or by municipal charter, a judge of a court not of record may, within the scope of his general jurisdiction within the area which his court serves, issue warrants, summons and subpoenas, including subpoenas duces tecum or other process, in civil and criminal cases, to be returned before his court, and may also issue fugitive warrants and conduct proceedings thereon in accordance with the provisions of §§ **19.1-63* to *19.1-68*.

2. This act shall become effective on July 1, 1960.

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CHAPTER 362

An Act to amend and reenact §§ 16.1-124, 16.1-125 and 16.1-127 of the Code of Virginia, relating to the jurisdiction of municipal courts in criminal matters.

[S 5]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-124, 16.1-125 and 16.1-127 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-124. Each municipal court having jurisdiction of criminal matters shall have:

(1) Exclusive original jurisdiction within the city or town for which it is created, and, except as otherwise provided by general law or by its charter, within the area extending for one mile beyond the corporate limits thereof, for the trial of all offenses against the ordinances, laws and by-laws of the city or town committed within such city or town.

(2) If a municipal court of a city, concurrent jurisdiction with the corporation court of the city in all cases of violation of the revenue and election laws of the State, and of all offenses arising under the provisions of Chapter *7 (§ *18.1-314 et seq.)* of Title *18.1.

(3) Except when it is otherwise specifically provided, exclusive original jurisdiction within the corporate limits for the trial of all other misdemeanors arising therein;

(4) Such other jurisdiction, exclusive or concurrent, as may be conferred upon it by general law, or by the provisions of its municipal charter.

§ 16.1-125. Each municipal court which is constituted as a separate traffic court shall, within the limits of the territory for which it is created, have original jurisdiction in the trial of offenses under Title *46.1 (§ *46.1-1 et seq.)* and Chapter 13 (§ 58-686 et seq.) of Title 58 of the Code of Virginia, and under §§ *18.1-54 to 18.1-61* of the Code of Virginia, as such title, chapter and sections now exist or as they may be hereafter amended, and of violations of ordinances and administrative regulations of the city adopted in accordance with such statutes.

§ 16.1-127. In addition to the power and authority conferred by this chapter on courts not of record having criminal jurisdiction, each such court shall have power to conduct preliminary examinations of persons charged with crime within its jurisdiction in the manner prescribed in Chapter *6 (*§ 19.1-90 et seq.)* of Title *19.1.

2. This act shall become effective on July 1, 1960.

CHAPTER 363

An Act to amend and reenact § 20-48 of the Code of Virginia, relating to the minimum age of marriage with the consent of one's parents.

[S 7]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20-48 of the Code of Virginia be amended and reenacted as follows:

§ 20-48. The minimum age at which minors may marry, with con-

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sent of the parent or guardian, shall be eighteen for the male and sixteen for the female.

In case of pregnancy when either the female is under sixteen or the male under eighteen, the clerk authorized to issue marriage licenses in the county or city wherein the female resides shall issue proper marriage license with the consent of the parent or guardian of the person or persons under the ages aforesaid only upon presentation of a doctor's certificate showing he has examined the female and that she is pregnant, or has been pregnant within nine months previous to such examination, which certificate shall be filed by the clerk, and such marriage consummated under such circumstances shall be valid. If any such person under the age aforesaid be a ward of the State by virtue of having been adjudicated a delinquent, dependent, or neglected child, instead of the consent of the parent or natural guardian there shall be required the consent of the judge or justice having jurisdiction to control the custody of such person; or, if such person so adjudicated shall have been committed to the Board of Welfare and Institutions or to any society, association, or institution approved by it for this purpose, such consent shall be given by some person thereto authorized by the Commissioner of Public Welfare, or by the principal executive officer of such society, association, or institution, as the case may be.

Nothing herein contained shall be construed to prevent clerks from issuing a marriage license under circumstances mentioned in § **18.1-45*, or to prevent persons under circumstances mentioned therein from marrying.

2. This act shall become effective on July 1, 1960.

CHAPTER 364

An Act to amend and reenact §§ 46.1-350, 46.1-351, 46.1-362, 46.1-417 and 46.1-421 of the Code of Virginia, all relating to motor vehicle permits and licenses.

[S 8]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-350, 46.1-351, 46.1-362, 46.1-417 and 46.1-421 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-350. (a) No person resident or nonresident whose operator's or chauffeur's license or instruction permit has been suspended or revoked by any court or by the Commissioner or by operation of law pursuant to the provisions of this title or of § **18.1-59* or who has been forbidden as prescribed by law by the Commissioner, the State Corporation Commission, the State Highway Commissioner, or the Superintendent of State Police, to operate a motor vehicle in this State shall thereafter drive any motor vehicle in this State unless and until the period of such suspension or revocation shall have terminated.

(b) Any person violating this section shall for the first offense be confined in jail not less than 10 days nor more than 6 months; and may in addition be fined not less than $50 nor more than $100; and for the second or any subsequent offense be confined in jail not less than two months nor more than 1 year; and may in addition be fined not less than $100 nor more than $1,000.

§ 46.1-351. (a) No person resident or nonresident whose operator's or chauffeur's license or instruction permit has been suspended or revoked by any court or by the Commissioner or by operation of law pursuant to the provisions of this title or of § **18.1-59* or who has been forbidden as

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prescribed by law by the Commissioner, the State Corporation Commission, the State Highway Commissioner, or the Superintendent of State Police, to operate a motor vehicle in this State shall drive any motor vehicle in this State during any period wherein the restoration of license or privilege is contingent upon the furnishing of proof of financial responsibility, unless he has given proof of financial responsibility in the manner provided in Article 6 (§ 46.1-467 et seq.) Chapter 6 of this title.

(b) Any person violating this section shall upon conviction thereof be punished by imprisonment for not less than * *10* days nor more than 6 months or be fined not less than * *$50* nor more than $500, or be punished by both such fine and imprisonment.

§ 46.1-362. (a) The Division shall not issue an operator's or chauffeur's license or temporary instruction permit to any person, resident or nonresident, who has been convicted or has forfeited bail within one year of the application for such license or permit:

(1) Upon the following charges or offenses committed in violation of any Federal law or law of this State or law of any other state or political subdivision thereof: (i) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle; (ii) Perjury, the making of a false affidavit to the Division under any law requiring the registration of motor vehicles or regulating their operation on the highways or the making of a false statement in any application for an operator's or chauffeur's permit; (iii) Any crime punishable as a felony under the motor vehicle laws or any felony in the commission of which a motor vehicle is used;

(2) Upon the following charges of offenses committed in violation of any Federal law or law of this State or law of any other state or any valid town, city or county ordinance of this State or of any other state: (i) Driving while under the influence of intoxicants or drugs in violation of §§ **18.1-54* or **18.1-60* or driving after forfeiture of license for a conviction under §§ **18.1-54* or **18.1-60* or similar Federal or State laws or ordinances of any town, city or county of this State or of any other state; (ii) Reckless driving, for the second time, when the offenses upon which the charges are based were committed within a period of 12 consecutive months; (iii) Failure of a driver of a motor vehicle, involved in an accident resulting in death or injury to another person, to stop and disclose his identity at the scene of the accident.

(3) Upon a charge of operating or permitting the operation, for the second time, of a passenger automobile for the transportation of passengers for rent or for hire, without having first obtained a license for such privilege as provided in § 46.1-149.

(b) The Division shall not issue an operator's or chauffeur's license or temporary instruction permit to any person convicted of a crime mentioned in paragraphs (a) (1) (i); (2) (i), (ii) or (iii) of this section for a further period of five years after he shall become entitled to a license or permit under this section, unless and until he shall prove to the Commissioner his ability to respond in damages as provided in Article 6 (§ 46.1-467 et seq.) of chapter 6 of this title or any other law of this State now in effect or subsequently enacted requiring proof of financial responsibility.

§ 46.1-417. The Commissioner shall forthwith revoke, and not thereafter reissue during the period of one year, the license of any person, resident, or nonresident, upon receiving a record of his conviction or a record of his having been found not innocent in the case of a juvenile of any of the following crimes, committed in violation of either a State law or of a valid town, city or county ordinance paralleling and substantially conforming to a like State law and to all changes and amendments of it:

(a) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;

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(b) Violation of the provisions of §§ *18.1-54 or *18.1-60, or violation of a valid town, city or county ordinance paralleling and substantially conforming to §§ *18.1-54 to *18.1-61;

(c) Perjury or the making of a false affidavit to the Division under this chapter or any other law of the State requiring the registration of motor vehicles or regulating their operation on highways, or the making of a false statement to the Division on any application for an operator's or chauffeur's license;

(d) Any crime punishable as a felony under the motor vehicle laws of this State or any other felony in the commission of which a motor vehicle is used;

(e) Two charges of reckless driving, or forfeiture of bail upon two charges of reckless driving, when the offenses upon which they are based were committed within a period of twelve consecutive months; or

(f) Failure to stop and disclose his identity at the scene of the accident, on the part of a driver of a motor vehicle involved in an accident resulting in the death of or injury to another person.

§ 46.1-421. The Commissioner shall forthwith revoke and not thereafter reissue for three years the operator's or chauffeur's license of any person: (a) upon receiving a record of a second or additional conviction of such person for a violation of the provisions § *18.1-54 pertaining to driving while under the influence of drugs or intoxicants or of § *18.1-60 pertaining to driving while the driver's license has been forfeited for a conviction under § *18.1-54 if such violation is committed within a period of ten years from the first violation of either of such sections or (b) upon receiving a record of a second or additional conviction for a violation of a federal law, or law of any other state or a valid ordinance of any city, town or county of this State, or of any other state similar to §§ *18.1-54 or *18.1-60, committed within a period of 10 years from a first violation of such federal law, law of any other state or town, city or county ordinance of this State or of any other state or of the provisions of §§ *18.1-54 or *18.1-60.

2. This act shall become effective on July 1, 1960.

CHAPTER 365

An Act to repeal § 53-276 of the Code of Virginia, relating to the suspension of certain jail sentences.

[S 9]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 53-276 of the Code of Virginia is repealed.

CHAPTER 366

An Act to revise, rearrange, amend and recodify the general laws of Virginia relating to criminal procedure; to that end to repeal Title 19 of the Code of Virginia, which title includes Chapters 1 to 13 and §§ 19-1 to 19-342, inclusive, of the Code of Virginia, as amended, which title relates to criminal procedure; to amend the Code of Virginia by adding thereto in lieu of the foregoing title, chapters and sections of the Code repealed by this act a new title numbered 19.1, which title

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includes fifteen new chapters numbered 1 to 15, both inclusive, and new sections numbered §§ 19.1-1 to 19.1-373, both inclusive, relating to criminal procedure; to prescribe when such revision and recodification shall become effective; and to repeal all acts and parts of acts in conflict with the provisions of this act.

[S 11]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That Title 19 of the Code of Virginia, which title includes Chapters 1 to 13 and §§ 19-1 to 19-342, inclusive, of the Code of Virginia, as amended, is repealed.

2. That the Code of Virginia be amended by adding thereto, in lieu of the title, chapters and sections of the Code of Virginia herein repealed, a new title numbered 19.1, fifteen new chapters numbered 1 to 15, both inclusive, and new sections numbered 19.1-1 to 19.1-373, both inclusive, which new title, chapters and sections are as follows:

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

TRANSITION PROVISIONS

§ 19.1-1. All acts and parts of acts, all sections of this Code, and all provisions of municipal charters, inconsistent with the provisions of this title, are, except as herein otherwise provided, repealed to the extent of such inconsistency.

§ 19.1-2. The repeal of Title 19 effective as of July 1, 1960, shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued, or accruing on or before such date, or any prosecution, suit or action pending on that day. Except as herein otherwise provided, neither the repeal of Title 19 nor the enactment of this title shall apply to offenses committed prior to July 1, 1960, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this section, an offense was committed prior to July 1, 1960, if any of the essential elements of the offense occurred prior thereto.

§ 19.1-3. Any notice given, recognizance taken, or process or writ issued before July 1, 1960, shall be valid although given, taken or to be returned to a day after such date, in like manner as if this title had been effective before the same was given, taken or issued.

§ 19.1-4. Whenever in this title any of the conditions, requirements, provisions or contents of any section, article or chapter of Titles 18 and 19, as such titles existed prior to July 1, 1960, are transferred in the same or in modified form to a new section, article or chapter of this title or of Title 18.1, and whenever any such former section, article or chapter is given a new number in this title or in Title 18.1, all references to any such former section, article or chapter of Title 19 or of Title 18 appearing elsewhere in this Code than in this title or in Title 18.1, shall be construed to apply to the new or renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

ARTICLE 2

PROVISIONS OF A GENERAL NATURE

§ 19.1-5. In the construction of this title and of each section thereof, the rules of construction set forth in Chapter 2 of Title 1 of this Code shall

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be observed, unless such construction would be inconsistent with the manifest intent of the General Assembly.

The word "court" as used in this title, unless otherwise clearly indicated by the context in which it appears, shall mean and include any court vested with appropriate jurisdiction under the Constitution and laws of this Commonwealth.

The word "judge" as used in this title, unless otherwise clearly indicated by the context in which it appears, shall mean and include any judge, associate judge or substitute judge, or police justice, of any court.

The words "courts not of record", "county court" and "municipal courts" as used in this title, unless otherwise clearly indicated by the context in which they appear, shall have the respective meanings assigned to them in Chapter 1 of Title 16.1 of this Code.

§ 19.1-6. The Governor may offer a reward for apprehending and securing any person convicted of an offense or charged therewith, who shall have escaped from lawful custody or confinement, or for apprehending and securing any person charged with an offense, who, there is reason to fear, can not be arrested in the common course of proceeding. But no such reward shall be paid to any sheriff, sergeant, or other officer who arrests such person by virtue of any process in his hands to be executed. The Governor may also offer a reward for the detection and conviction of the person guilty of an offense when such offense has been committed but the person guilty thereof is unknown.

§ 19.1-7. When the judge of a circuit or corporation court in which a prosecution is pending is connected with the accused or party injured, or is so situated in respect to the case as in his opinion to render it improper that he should preside at the trial, he shall enter the fact of record and the clerk of the court shall at once certify this fact to the Chief Justice of the Supreme Court of Appeals and thereupon another judge shall be appointed, in the manner prescribed by § 17-7, to preside at the trial.

§ 19.1-8. A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense; and a prosecution for obtaining, attempting to obtain, aiding or abetting in obtaining public assistance under the Virginia Public Welfare and Assistance Laws by means of a willful false statement, representation, impersonation or other fraudulent device shall be commenced within five years next after the commission of the offense. Nothing in this section shall be construed to extend to any person fleeing from justice, or be construed to limit the time within which any prosecution may be commenced for desertion of a wife or child or for neglect or refusal or failure to provide for the support and maintenance of a wife or child.

§ 19.1-9. If the attorney for the Commonwealth of any county or city is connected by blood or marriage with the accused, or is so situated with respect to such accused as to render it improper, in his opinion, concurred in by the judge, for him to act, or if the attorney for the Commonwealth of any county or city is unable to act, or to attend to his official duties as attorney for the Commonwealth, then upon notification by such attorney for the Commonwealth, or upon the certificate of his attending physician, or the clerk of the court, which fact shall be entered of record, the judge of the circuit, corporation or hustings court of the county or city, as the case may be, shall appoint an attorney at law for such case or cases, term or terms of court, or period or periods of time, as may be necessary or desirable, and the same to be forthwith entered of record.

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§ 19.1-10. Such attorney at law shall act in place of, and otherwise perform the duties and exercise the powers of, such disqualified or disabled attorney for the Commonwealth, in regard to such case or cases, for the term or terms of the court, or the period or periods of time, for which the appointment and designation is made, or until the disqualified or disabled attorney for the Commonwealth shall again be able to attend to his duties as such.

The attorney at law so appointed shall receive such compensation as the judge of the circuit court of the county or circuit or other court of the city in which the case is tried or the service is rendered deems reasonable, in addition to his actual expenses for the time that he is actually engaged, such compensation and expenses to be paid by the State.

§ 19.1-11. If it shall be necessary for the attorney for the Commonwealth of any county or city to absent himself from the performance of the duties of his office by reason of service in the armed forces of the United States, or for any reason, then, upon notification by such attorney for the Commonwealth, and the facts being entered of record, the judge of the circuit or corporation court, as the case may be, of such county or city shall appoint an attorney at law as acting attorney for the Commonwealth to serve for such length of time as may be necessary. Such acting attorney for the Commonwealth shall act in place of and otherwise perform the duties and exercise the powers of such regular attorney for the Commonwealth, and while so acting shall receive the salary and allowance for expenses fixed by the State Compensation Board for such regular attorney for the Commonwealth, who during such length of time shall not receive any such salary or allowance.

§ 19.1-12. Chapter 360 of the Acts of 1920, approved March 20, 1920, codified as § 4970a of Michie Code 1942, authorizing the appointment of public defenders in cities having a population of not less than one hundred thousand and not more than one hundred and sixty thousand, is continued in effect.

§ 19.1-13. Chapter 292 of the Acts of 1958, authorizing the appointment of public defenders in any county having a population of more than fifty-seven thousand, but less than sixty-five thousand which adjoins a city having a population in excess of two hundred and thirty thousand and in any county having a density of population in excess of four thousand per square mile, is incorporated in this Code by this reference.

§ 19.1-14. When any person indicted in the courts of this State for a violation of its laws, has his case removed to the district court of the United States under § 33 of the Judicial Code of the United States, it shall be the duty of the attorney for the Commonwealth for the county or city in which any such indictment is found to prosecute any such case in the United States district court to which the same shall be so removed, and for his services in this behalf he shall be paid a fee of one hundred dollars for each case tried by him in such United States district court, and mileage at the rate now allowed by law to the members of the General Assembly for all necessary travel in going to and returning from such court, to be paid on his account when approved by the Attorney General.

A per diem of one dollar and fifty cents for each day of actual attendance upon such United States district court and mileage of five cents a mile for every mile of necessary travel in going to and returning from such court shall be paid out of the State treasury to each witness for the Commonwealth in every such case upon accounts therefor against the Commonwealth, certified by the attorney for the Commonwealth prosecuting such case and approved by the Attorney General.

It shall not be the duty of the Attorney General to appear for the Com-

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monwealth in such cases unless he can do so without interfering with the efficient discharge of the duties imposed upon him by law; but he may appear with the attorney for the Commonwealth prosecuting such case in any case when the interests of the Commonwealth may in his judgment require his presence.

The Comptroller shall from time to time draw his warrants upon the State treasury in favor of the parties entitled to be paid the above compensation and expenses, or their assigns, upon bills certified and approved as above prescribed.

§ 19.1-15. No proceeding of outlawry shall hereafter be instituted or prosecuted.

§ 19.1-16. No court, judge or justice of the peace shall impose a fine upon a juror, witness or other person for disobedience of its process or any contempt, unless he either be present in court or before such justice at the time, or shall have been served with a rule, returnable to a certain time, requiring him to show cause why the fine should not be imposed and shall have failed to appear and show cause.

§ 19.1-17. Any forfeiture incurred by violations of §§ 18.1-323, 18.1-340, or 18.1-341, or in accordance with § 18.1-346 shall be enforced under Chapter 15 of this title, except as follows:

(1) § 19.1-364 and so much of § 19.1-368 as relates to § 19.1-364, shall not apply to the case; and

(2) Any money, condemned as forfeited, shall not be sold, but shall be disposed of by the court in like manner as the proceeds of forfeited property condemned and sold.

§ 19.1-18. When a person is in jail or under a recognizance to answer a charge of assault and battery or other misdemeanor, or has been indicted for an assault and battery or other misdemeanor, for which there is a remedy by civil action, unless the offense was committed by or upon a sheriff or other officer of justice, or riotously, or with intent to commit a felony, if the party injured appear before the judge or justice who made the commitment or took the recognizance, or before the court in which the indictment is pending, and acknowledge in writing that he has received satisfaction for the injury, such judge, justice, or court may, in his or its discretion, by an order, supersede the commitment, discharge the recognizance, or dismiss the prosecution, upon payment by the defendant of costs accrued to the Commonwealth or any of its officers.

§ 19.1-19. Every order discharging a recognizance shall be filed with the clerk before the session of the court at which the party was to appear and an order superseding a commitment shall be delivered to the jailor, who shall forthwith discharge the witnesses, if any, and the accused, and against him judgment shall be entered in the court for the costs of the prosecution.

CHAPTER 2

PREVENTION OF COMMISSION OF CRIMES

§ 19.1-20. Every judge throughout the State and every justice of the peace, commissioner in chancery, and county surveyor while in the performance of the duties of his office within his county or corporation shall be a conservator of the peace, and may require from persons not of good fame security for their good behavior for a term not exceeding one year. Every conservator of the peace shall arrest without a warrant for felonies committed in his presence, or upon reasonable suspicion of felony, and for breaches of the peace and all misdemeanors of whatever character committed in his presence.

§ 19.1-21. If complaint be made to any such conservator that there is good cause to fear that a person intends to commit an offense against the

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person or property of another, he shall examine on oath the complainant, and any witness who may be produced, reduce the complaint to writing, and cause it to be signed by the complainant; and if it appear proper, such conservator shall issue a warrant, reciting the complaint, and requiring the person complained of forthwith to be apprehended and brought before him or some other conservator.

§ 19.1-22. When such person appears, if the conservator, on hearing the parties, considers that there is not good cause for the complaint, he shall discharge such person, and may give judgment in his favor against the complainant for his costs. If he considers that there is good cause therefor, he may require a recognizance of the person against whom it is, and give judgment against him for the costs of the prosecution, or any part thereof; and, unless such recognizance be given, he shall commit him to jail by a warrant, stating the sum and time in and for which the recognizance is directed. The person given judgment under this section for costs may issue a writ of fieri facias thereon, if an appeal be not allowed; and proceedings thereupon may be according to §§ 16.1-99 through 16.1-101.

§ 19.1-23. A person from whom such recognizance is required may appeal to the circuit court of the county or corporation court of the corporation, and, in such case, the officer from whose judgment the appeal is taken shall recognize such of the witnesses as he thinks proper; provided, however, that the person taking the appeal may be required to give bail, with good security, for his appearance at the circuit court of the county or corporation court of the city.

§ 19.1-24. The court may dismiss the complaint or affirm the judgment, and make what order it sees fit as to the costs. If it award costs against the appellant, the recognizance which he may have given shall stand as security therefor. When there is a failure to prosecute the appeal, such recognizance shall remain in force, although there be no order of affirmance. On any appeal the court may require of the appellant a new recognizance if it see fit.

§ 19.1-25. Any person committed to jail under this chapter may be discharged by the circuit court of the county or corporation court of the corporation on such terms as it may deem reasonable.

§ 19.1-26. If a person go armed with a deadly or dangerous weapon, without reasonable cause to fear violence to his person, family, or property, he may be required to give a recognizance, with the right of appeal, as before provided, and like proceedings shall be had on such appeal.

§ 19.1-27. If a person, in the presence of a court or a conservator of the peace, make an affray, or threaten to kill or to beat another or to commit violence against his person or property, or contend with angry words, to the disturbance of the peace, he may, without process or further proof, be required to give a recognizance.

§ 19.1-28. The circuit, corporation or hustings court, or the judge thereof in vacation, of any county, city or town in which is located

(1) any place where there are great gatherings of people, or

(2) any place, private or otherwise, which in the discretion of the court is deemed essential to national and State defense, or

(3) any university or college, or

(4) any penal or correctional institution under control of the Department of Welfare and Institutions, may, upon proper application therefor, appoint one or more citizens of the Commonwealth conservator or conservators of the peace to hold office for such period of time as the court or judge thereof in vacation may fix, not to exceed one year from the time of appointment. Such application shall be made by

(1) the proprietor of such place, or

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(2) anyone alleging that the place involved is essential to and should be specially policed in the interest of national and State defense, or

(3) the board of visitors or trustees or other constituted authority of such university or college, or

(4) the superintendent of such penal or correctional institution.

The jurisdiction of such conservators of the peace shall extend over the grounds attached to such place, university, college or institution within such limits as shall be prescribed in the order appointing any such conservator; provided, however, that the jurisdiction of any conservator appointed for a university or college located within a city may also extend to the streets and sidewalks adjacent to the grounds thereof; and provided further that any conservator appointed for any penal or correctional institution shall be an employee of such institution and termination of such employment shall automatically revoke such appointment. Any such conservator shall, within the limits for which appointed, have the power and jurisdiction of any other conservator of the peace.

§ 19.1-29. Any such conservator appointed under the provisions of the preceding section, whose jurisdiction is limited to the grounds attached to an airport, need not be a citizen of the Commonwealth if the proprietors of such airport shall, before any such conservator shall enter upon the duties of the office, enter into bond with approved surety before the county clerk of the county wherein such airport is located in the penalty of one thousand dollars for each conservator so appointed, with condition for the faithful discharge of his official duties.

§ 19.1-30. Any court or judge mentioned in § 19.1-28 may also appoint, for the places mentioned in that section, one or more citizens as policeman or policemen with the same powers and duties as are vested in special policemen in counties under the provisions of Article 2 of Chapter 17 of Title 15, except that they shall not have authority to execute civil process. Before any such policeman shall enter upon the duties of his office, he shall enter into bond with approved security before the county clerk of the county for which he is appointed in the penalty of one thousand dollars, with condition for the faithful discharge of his official duties.

§ 19.1-31. Any conservator or policeman appointed under the provisions of §§ 19.1-28 or 19.1-30 shall pay any and all fees or mileage allowances which he may receive for the performance of such duties as he may perform under such sections into the treasury of the county or city in which he is appointed.

§ 19.1-32. The supervisor or any justice of the peace of the magisterial district wherein a camp meeting or any other religious meeting is held may, in his discretion, upon the written application of the conductor of such meeting, in writing appoint as many persons as temporary policemen as he may deem necessary to preserve order at such meeting, who shall have, within one-half of a mile of such meeting, the powers vested in special policemen in counties under the provisions of Article 2 of Chapter 17 of Title 15, and shall receive the same fees as are allowed sheriffs of counties for making arrests and carrying prisoners to jail, and when appointed by a supervisor shall receive two dollars per day to be paid out of the county treasury.

The superintendent or other person in charge of any fair grounds or any public or private cemetery shall, for the purpose of maintaining order and enforcing the criminal and police laws of the State, or the county or city in which such fair grounds or cemetery is situated, have all the powers, functions, duties, responsibilities and authority of a conservator of the peace within the fair grounds or cemetery over which he may have charge and within one-half of a mile around the same.

Every person appointed as temporary policeman or exercising any

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powers as a conservator of the peace pursuant to the provisions of this section shall, before entering upon the duties of such office enter into bond with approved surety before the county clerk of the county or the clerk of the corporation court of the city wherein such duties are to be performed in the penalty of $1,000.00, with condition for the faithful discharge of his official duties.

§ 19.1-32.1. The judges of the circuit court of any county having a density of population in excess of five thousand per square mile may from time to time appoint as many special justices for such county as they deem necessary or proper to perform the duties and exercise the powers set out herein. The terms of office of all such special justices including those now in office shall expire on March one, nineteen hundred sixty-four and on March one of each fourth year thereafter. Such appointments shall be revocable at the pleasure of the appointing authority. Such special justices shall qualify in the same manner as is prescribed by law for justices of the peace, and shall be conservators of the peace within the county for which they are appointed. They shall exercise within such county all the power and authority which is conferred upon justices of the peace by general law except the power to issue civil processes. When any court violations bureau shall be duly established in any such county, then such special justices shall also be employees of such county for the purpose of performing the duties and functions of such bureau and shall be subject to all such general administrative regulations governing county employees as may be reasonably applied to such special justices and the judge of the county court of such county shall have the power of the chief administrative officer of such bureau. The salaries of special justices shall be fixed and paid by the governing body of the county, in which event all fees collected by such justices or to which they shall be entitled shall be paid monthly into the county treasury and used as far as possible to pay such salaries. After the appointment of such special justices for a county, no justice of the peace shall thereafter be elected or appointed for such county.

CHAPTER 3

POST-MORTEM EXAMINATIONS

§ 19.1-33. All powers and duties relating to Post-Mortem Examinations heretofore vested in and performed by the State Board of Health and the Commissioner of Health shall hereafter remain vested in and performed by such Board and Commissioner as herein provided.

§ 19.1-34. The Chief Medical Examiner shall continue in office to serve at the pleasure of the Commissioner and the Board. Vacancies in the office of Chief Medical Examiner shall be filled by the State Health Commissioner with the approval of the State Board of Health. The Chief Medical Examiner shall be a skilled pathologist and eligible to be licensed as a doctor of medicine. He shall receive such salary as may be fixed by law.

§ 19.1-35. The Chief Medical Examiner shall take the oath prescribed by section thirty-four of the Constitution, and enter into bond before the clerk of the Circuit Court of the City of Richmond in the penalty of five thousand dollars before entering upon the duties of office.

§ 19.1-36. The State Health Commissioner shall establish and maintain, under the supervision of the Chief Medical Examiner, a central office and a laboratory in the City of Richmond, and with the approval of the Governor first obtained, such district offices and laboratories in such localities in the State as are deemed necessary, having adequate professional and technical personnel and physical facilities for the conduct of post-mortem examinations and of such pathological, bacteriological and toxicological investigations as may be necessary or proper. The State Health Commis-

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sioner shall provide the Chief Medical Examiner with such furniture, equipment, records and supplies as may be required in the conduct of this office. The State Health Commissioner may, if he deems it advisable to do so, contract with the Medical College of Virginia for the use of certain of its laboratories, its morgue and other technical facilities, and space in one of its buildings as a central office and laboratory for the Chief Medical Examiner and his staff. In the discretion of the State Health Commissioner the Chief Medical Examiner and his assistants may be made available to the Medical College of Virginia and the Medical School of the University of Virginia for teaching legal medicine and other subjects closely related to their duties.

§ 19.1-37. The Chief Medical Examiner, with the approval ot the State Health Commissioner, may employ such clerical and other assistants as are necessary for the performance of the duties of his office. The salaries of assistants and employees shall be fixed by the Chief Medical Examiner, with the approval of the State Health Commissioner in accordance with law. All persons appointed by the Chief Medical Examiner shall be responsible to him and may be removed by him for any reasonable cause.

§ 19.1-38. The salaries of the Chief Medical Examiner, and the technical and clerical personnel in the central office and laboratory, the expenses of maintaining the central office and laboratory, the cost of pathological, bacteriological and toxicological services rendered by others than the Chief Medical Examiner and his assistants, and the traveling and other expenses of the personnel of the central and district offices and laboratories, shall be paid by the State out of funds appropriated for the purpose.

§ 19.1-39. In order to provide proper facilities for investigating the causes of deaths as authorized in this chapter the State Health Commissioner may employ and pay qualified pathologists and toxicologists to make autopsies and such other pathological and chemical studies and investigations as may be deemed necessary or advisable by the Chief Medical Examiner, and may arrange for the use of existing laboratory facilities for such purposes whenever these are available.

§ 19.1-40. Each three years, the Chief Medical Examiner shall appoint for each county and city in the State one or more medical examiners to take office on the first day of October after appointment and to serve for terms of three years and until their successors are appointed by the Chief Medical Examiner and have qualified. All vacancies in the office of Medical Examiner shall be filled by the Chief Medical Examiner for the unexpired terms, and temporary appointments shall be filled by the Chief Medical Examiner. Each medical examiner shall be appointed from a list of two or more licensed doctors of medicine submitted by the component Medical Society of the county or city in which the appointment is to be made, or of the district in which the county or city is located. If no list of names is submitted by the society the Chief Medical Examiner shall appoint a medical examiner or medical examiners from the licensed medical doctors of such county or city. In the event the medical examiner of any county or city, on account of illness or enforced absence or personal interest is unable to serve in any particular case or for any period of time, the Chief Medical Examiner shall then designate some other qualified doctor of medicine in such county or city to serve in the place of the regular medical examiner in making any examination or report required.

§ 19.1-41. Upon the death of any person from violence, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in any suspicious, unusual or unnatural manner, the medical examiner of the county or city in which death occurs shall be notified by the physician in attendance, by any law enforcement officer having knowledge of such death, by the undertaker, or by any other person present.

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§ 19.1-42. Upon receipt of such notice the medical examiner shall take charge of the dead body, make inquiries regarding the cause and manner of death, reduce his findings to writing, and promptly make a full report thereof to the Chief Medical Examiner on forms prescribed for such purpose, retaining one copy of such report for his own and delivering another copy to the attorney for the Commonwealth of his county or city. Full directions as to the nature, character and extent of the investigation to be made in such cases shall be furnished the medical examiner by the Chief Medical Examiner, together with appropriate forms for the required reports and instructions for their use. For each investigation under this chapter, including the making of the required reports, the medical examiner shall receive a fee of ten dollars, this to be paid by the State, unless the deceased is a legal resident of the county or city in which his death occured, in which event such county or city shall be responsible for the fee.

§ 19.1-43. If in the opinion of the medical examiner or of the Chief Medical Examiner it is advisable and in the public interest that an autopsy be made, or if an autopsy is requested by the attorney for the Commonwealth or by the judge of the circuit or corporation court of the county or city wherein such body is, such autopsy shall be made by the Chief Medical Examiner, or by such competent pathologist or toxicologist as may be designated by the Chief Medical Examiner for the purpose. A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be promptly made and filed with the medical examiner and in the office of the Chief Medical Examiner, and, if in the opinion of the Chief Medical Examiner or the medical examiner it is proper, or if requested by the attorney for the Commonwealth of the county or city where death occurred or of the county or city wherein any injury contributing to or causing death was sustained, a copy of the report of the autopsy shall be furnished such attorney for the Commonwealth.

If, in any case of sudden, violent or suspicious death, the body is buried without any inquiry by a medical examiner as to the cause and manner of death, or without any autopsy being held or performed, it shall be the duty of the medical examiner, upon being advised of such fact, to notify the attorney for the Commonwealth thereof, who shall communicate the same to the judge of the circuit or corporation court, as the case may be, and such judge may, by an order entered in the common-law order book of his court, require that the body be exhumed and an autopsy performed thereon by the Chief Medical Examiner or by a pathologist or toxicologist designated by him for the purpose, and the pertinent facts disclosed by the autopsy shall be communicated to the judge who ordered it, for such action thereon as he, or the court of which he is judge, deems proper.

§ 19.1-44. Under proper rules and regulations promulgated by the Chief Medical Examiner the facilities of the central laboratory and the services of its professional staff shall be made available to the medical examiners in their investigations under the provisions of this chapter.

§ 19.1-45. Reports of investigations made by the Chief Medical Examiner or his assistants or by medical examiners, and the records and reports of autopsies made under the authority of this chapter, shall be received as evidence in any court or other proceeding, and copies of records, photographs, laboratory findings and records in the office of the Chief Medical Examiner or any medical examiner, when duly attested by the Chief Medical Examiner or one of his Assistant Chief Medical Examiners, or the medical examiner in whose office the same are, shall be received as evidence in any court or other proceeding for any purpose

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for which the original could be received without any proof of the official character of the person whose name is signed thereto.

§ 19.1-46. After the investigation has been completed, including an autopsy if one is made, the dead body shall be delivered to the relatives or friends of the deceased person for burial. If no person claims the body it shall be turned over to the sheriff of the county or the sergeant or other like law enforcement officer of the city where death occurred for proper disposition. The expenses incurred by such officer in the disposal of the dead body shall be borne by the county or city where death occurred if the deceased person had no known place of residence within the State, but if the deceased person was a resident of Virginia at the time of death such expenses shall be paid by the county or city of residence. No such expenses shall be paid until allowed by the court of such officer's county or city. If the deceased person has estate out of which burial expenses can be paid, either in whole or in part, such estate shall be taken for such purpose before any expense under this section is imposed upon the county or city.

CHAPTER 4

EXTRADITION OF CRIMINALS

ARTICLE 1

FUGITIVES FROM FOREIGN NATIONS

§ 19.1-47. The Governor shall whenever required by the executive authority of the United States, pursuant to the Constitution and laws thereof, deliver over to justice any person found within the State, who is charged with having committed any crime without the jurisdiction of the United States.

§ 19.1-48. The Governor, though not so required, may, in his discretion, deliver over to justice any person found within the State who is charged with having committed, without the jurisdiction of the United States, any crime, except treason, which by the laws of this State, if committed therein, is punishable with death or confinement in the penitentiary. Such delivery shall only be made on the requisition of the duly authorized officers or agents of the government within the jurisdiction of which the crime is charged to have been committed; and the Governor shall require such evidence of the guilt of the person so charged as would be necessary to justify his apprehension and commitment for trial had the crime charged been committed within this State. The expense of apprehension and delivery shall be defrayed by those to whom the delivery is made.

ARTICLE 2

UNIFORM CRIMINAL EXTRADITION ACT

§ 19.1-49. When appearing in this chapter:

(1) The term "Governor" includes any person performing the functions of Governor by authority of the law of this State;

(2) The term "executive authority" includes the Governor, and any person performing the functions of Governor in a state other than this State;

(3) The term "State", referring to a state other than this State, includes any other state or territory, organized or unorganized, of the United States of America, and the District of Columbia; and

(4) The term "judge" means a judge of a court of record having criminal jurisdiction.

§ 19.1-50. Subject to the provisions of this chapter, the provisions of the Constitution of the United States controlling, any and all acts of

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Congress enacted in pursuance thereof, the Governor shall have arrested and delivered up to the executive authority of any other of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this State.

§ 19.1-51. No demand for the extradition of a person charged with, or convicted of, crime in another state shall be recognized by the Governor unless in writing alleging, except in cases arising under § 19.1-55, that the accused was present in the demanding state at the time of the commission of the alleged crime and that thereafter he fled from such state, and accompanied: (1) by a copy of an indictment found, (2) by a copy or an information supported by an affidavit filed in the state having jurisdiction of the crime, (3) by a copy of an affidavit made before a magistrate in such state together with a copy of any warrant which was issued thereupon, or (4) by a copy of a judgment of conviction or of a sentence imposed in execution thereof together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of the indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

§ 19.1-52. When a demand shall be made upon the Governor by the executive authority of another state for the surrender of a person so charged with, or convicted of, crime, the Governor may call upon the Attorney General or any other officer of this State to investigate or assist in investigating the demand and to report to him the situation and circumstances of the person so demanded and whether he ought to be surrendered.

§ 19.1-53. When it is desired to have returned to this State a person charged in this State with a crime and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this State as soon as the prosecution in this State is terminated.

§ 19.1-54. The Governor may also surrender on demand of the executive authority of any other state any person in this State who is charged in the manner provided in §§ 19.1-73 to 19.1-75, with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

§ 19.1-55. The Governor may also surrender, on demand of the executive authority of any other state, any person in this State charged in such other state in the manner provided in § 19.1-51 with committing an act in this State, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand. The provisions of this chapter not otherwise inconsistent shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

§ 19.1-56. If the Governor decides that a demand for the extradition of a person, charged with, or convicted of, crime in another state should be complied with, he shall sign a warrant of arrest, which shall be sealed with the State seal, and be directed to the sheriff or sergeant of any county or city or to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

§ 19.1-57. Such warrant shall authorize the officer or other person

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to whom it is directed to arrest the accused at any time and at any place where he may be found within the State and to command the aid of all peace officers or other persons in the execution of the warrant and to deliver the accused, subject to the provisions of this chapter, to the duly authorized agent of the demanding state.

§ 19.1-58. Every officer or other person empowered to make the arrest, as provided in the preceding section, shall have the same authority, in arresting the accused, to command assistance therein as the sheriffs and sergeants of the several counties and cities of this State have by law in the execution of any criminal process directed to them, with like penalties against those who refuse to render their assistance.

§ 19.1-59. No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge or trial justice in this State, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge or trial justice shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof and of the time and place of hearing thereon shall be given to the attorney for the Commonwealth of the county or city in which the arrest is made and in which the accused is in custody, and to the agent of the demanding state.

§ 19.1-60. Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant in wilful disobedience to the last preceding section shall be guilty of a misdemeanor and, on conviction, shall be punished accordingly.

§ 19.1-61. The officer or persons executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered, may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail shall receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

§ 19.1-62. The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this State with such prisoner for the purpose of returning immediately such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail shall receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping, provided, however, that such officer or agent shall deliver to the jailor the warrant or legal order authorizing custody of the prisoner. Such prisoner shall not be entitled to demand a new requisition while in this State.

§ 19.1-63. Whenever: (1) any person within this State shall be charged on the oath of any credible person before any judge, trial justice, justice of the peace or other officer authorized to issue criminal warrants in this State with the commission of any crime in any other state and, except in cases arising under § 19.1-55, (a) with having fled from justice, (b) with having been convicted of a crime in that state and of having escaped from confinement, or (c) of having broken the terms of his bail, probation, or parole, or (2) complaint shall have been made before any such judge, trial justice, justice of the peace or other officer in this State setting forth on the affidavit of any credible person in another state that

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a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under § 19.1-55, (a) has fled from justice, (b) having been convicted of a crime in that state has escaped from confinement, or (c) broken the terms of his bail, probation or parole, and that the accused is believed to be in this State, such judge, trial justice, justice of the peace or other officer shall issue a warrant directed to any sheriff or sergeant or to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this State, and to bring him before any judge or trial justice who may be available in or convenient of access to the place where the arrest may be made, to answer the charge of complaint and affidavit. A certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

§ 19.1-64. The arrest of a person may be lawfully made also by any peace officer or private person without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year. But when so arrested the accused shall be taken before a judge, trial justice, justice of the peace or other officer authorized to issue criminal warrants in this State with all practicable speed and complaint made against him under oath setting forth the ground for the arrest as in the preceding section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

§ 19.1-65. If from the examination before the judge or trial justice it appears that the person held pursuant to either of the two preceding sections is the person charged with having committed the crime alleged and, except in cases arising under § 19.1-55, that he has fled from justice, the judge or trial justice shall, by a warrant reciting the accusation, commit him to jail for such a time, not exceeding thirty days, specified in the warrant as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

§ 19.1-66. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, any judge or trial justice or other person authorized by law to admit persons to bail in this State may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned upon his appearance before a judge or trial justice at a time specified in such bond and upon his surrender for arrest upon the warrant of the Governor of this State.

§ 19.1-67. If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, any judge or trial justice in this State may discharge him or may recommit him for a further period not to exceed sixty days, or such judge or trial justice may again take bail for his appearance and surrender, as provided in the preceding section, but within a period not to exceed sixty days after the date of such new bond.

§ 19.1-68. If the prisoner is admitted to bail and fails to appear and surrender himself according to the conditions of his bond, any judge or trial justice by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this State. Recovery may be had on such bond in the name of the State as in the case of other bonds given by the accused in criminal proceedings within this State.

§ 19.1-69. If a criminal prosecution has been instituted against such person under the laws of this State and is still pending, the Governor, in his discretion, either may surrender him on demand of the executive au-

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thority of another state or hold him until he has been tried and discharged or convicted and punished in this State.

§ 19.1-70. The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

§ 19.1-71. The Governor may recall his warrant of arrest or may issue another warrant whenever he deems it proper.

§ 19.1-72. Whenever the Governor shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this State, from the executive authority of any other state, or from the chief justice or an associate justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this State to some agent commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county or city in this State in which the offense was committed.

§ 19.1-73. When the return to this State of a person charged with crime in this State is required, the attorney for the Commonwealth shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made, and certifying that, in the opinion of the attorney for the Commonwealth, the ends of justice require the arrest and return of the accused to this State for trial and that the proceeding is not instituted to enforce a private claim.

§ 19.1-74. When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement or broken the terms of his bail, probation or parole, the attorney for the Commonwealth of the county or city in which the offense was committed, or the warden of the institution or sheriff or sergeant of the county or city from which the escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole and the state in which he is believed to be, including the location of the person therein at the time application is made.

§ 19.1-75. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge, trial justice or other officer issuing the warrant stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The attorney for the Commonwealth, warden, sheriff or sergeant may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the Secretary of the Commonwealth, to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

§ 19.1-76. The expenses incident to the extradition of any person un-

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der the four preceding sections shall be paid out of the State treasury, on warrants of the Comptroller issued upon vouchers signed by the Governor, or such other person as may be designated by him for such purpose.

§ 19.1-77. A person brought into this State by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

§ 19.1-78. Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in §§ 19.1-56 and 19.1-57 and all other procedure incidental to extradition proceedings by executing or subscribing in the presence of a judge or trial justice within this State a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge or trial justice to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in § 19.1-59.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent of the demanding state, and shall deliver or cause to be delivered to such agent a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this State.

§ 19.1-79. Nothing in this chapter contained shall be deemed to constitute a waiver by this State of its right, power or privilege to try such demanded person for crime committed within this State, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this State, nor shall any proceedings had under this chapter which result in, or fail to result in, extradition be deemed a waiver by this State of any of its rights, privileges or jurisdiction in any way whatsoever.

§ 19.1-80. After a person has been brought back to this State by, or after waiver of, extradition proceedings he may be tried in this State for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

§ 19.1-81. The provisions of this article shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact statutes similar thereto.

§ 19.1-82. This article may be cited as the Uniform Criminal Extradition Act.

CHAPTER 5

SEARCH WARRANTS

§ 19.1-83. If there be complaint on oath, supported by the affidavit required by § 19.1-85, that personal property has been stolen, embezzled, or obtained by false pretenses, and that it is believed to be concealed in a particular house or other place, a justice of the peace, or a judge of any court having jurisdiction of the trial of criminal cases to whom com-

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plaint is made, if satisfied that there is reasonable cause for such search, shall issue a warrant to search such place for the property.

§ 19.1-84. On like complaint, on oath, according to the nature of the case, supported by the affidavit required by § 19.1-85, such justice or judge to whom it is made, if satisfied that there is reasonable cause therefor, shall issue a warrant to search specified places for the following things:

(1) Counterfeit or spurious coin, forged bank notes, and other instruments or writings, or any tools, machines or materials for making them;

(2) Any obscene book, print, picture, figure, object or thing used or intended for use in violation of Article 3 of Chapter 4 of Title 18.1;

(3) Lottery tickets, or materials unlawfully made, provided or procured for drawing a lottery;

(4) Any gaming apparatus or implements used, or kept and provided to be used, in unlawful gaming or in any place resorted to for unlawful gaming;

(5) Weapons or other objects used in the commission of a crime;

(6) Any cannabis, coca leaves, heroin, cocaine, opium, morphine, or laudanum, or any compound, manufacture, mixture, salt, derivative or preparation thereof, or any synthetic substitute for cannabis, coca leaves, heroin, cocaine, opium, morphine, or laudanum, or any compound, manufacture, mixture, salt, derivative or preparation thereof, used or possessed in violation of § 18.1-346 or §§ 54-487 to 54-519, inclusive, of the Code of Virginia, or any dangerous drug as defined in § 54-440 of the Code of Virginia, the sale or possession of which is prohibited by § 54-441 or § 54-442;

(7) Fireworks or fire crackers on the premises of a merchant or vendor where a business is conducted and where possession or sale of same is unlawful.

§ 19.1-85. No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the house, place, vehicle or baggage to be searched, the things to be searched for thereunder, alleging briefly material facts constituting the probable cause for the issuance of such warrant and alleging substantially the offense in relation to which such search is to be made. Such affidavit shall be certified by the officer who issues such warrant to the county clerk of his county or to the court clerk, admitting deeds to record, of his city and shall by such clerk be preserved as a record and shall at all times be subject to inspection by the public. No such warrant shall be issued on an affidavit omitting such essentials, and no general warrant for the search of a house, place, compartment, vehicle or baggage shall be issued.

§ 19.1-86. Every search warrant shall be directed to the sheriff, sergeant, policeman or constable of the county or corporation in which the place to be searched is and shall command him to search the house, place, vehicle, baggage or thing designated, either in day or night, seize the property mentioned in such affidavit, and bring the same and the person in whose possession the same are found before a judge or court having jurisdiction of the offense in relation to which such search was made; provided, that in cities and towns having a police force the warrant may also be directed "to any policeman of said city or town" and shall be executed by the policeman or other officer into whose hands it shall come or be delivered.

§ 19.1-87. If any such warrant be executed by the seizure of property, or of any other of the things aforesaid, the same shall be safely kept by the direction of such judge or court, to be used as evidence, and thereafter be disposed of as provided by law; provided, however, that any such property seized under such warrant which is stolen or embezzled property shall be restored to its owner, and the things mentioned in § 19.1-84 may be burnt or otherwise destroyed, under such direction, as soon as

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there is no further need for its use as evidence unless it is otherwise expressly provided by law.

§ 19.1-88. No officer of the law or any other person shall search any house, place, vehicle, baggage or thing except by virtue of and under a warrant issued by a proper officer. Any officer or other person searching any house, place, vehicle, baggage or thing otherwise than by virtue of and under a search warrant, shall be guilty of a misdemeanor. Any officer or person violating the provisions of this section shall be liable to any person aggrieved thereby in both compensatory and punitive damages. Any officer found guilty of a second offense under this section shall, upon conviction thereof, in addition to the penalty hereinbefore provided, immediately forfeit his office, and such conviction shall be deemed to create a vacancy in such office to be filled according to law.

Provided, however, that any officer empowered to enforce the game laws may without a search warrant enter for the purposes of police inspection any freight yard or room, passenger depot, baggage room or warehouse, storage room or warehouse, train, baggage car, passenger car, express car, Pullman car or freight car of any common carrier, or any boat, automobile or other vehicle; but nothing in this proviso contained shall be construed to permit a search of any occupied berth or compartment on any passenger car or boat or of any baggage, bag, trunk, box or other closed container without a search warrant.

§ 19.1-89. Any justice of the peace or judge wilfully and knowingly issuing a general search warrant or a search warrant without the affidavit required by § 19.1-85 shall be deemed guilty of a misfeasance or malfeasance.

CHAPTER 6

ARREST, COMMITMENT, BAIL AND RECOGNIZANCES

ARTICLE 1

ARREST

§ 19.1-90. Process for the arrest of a person charged with a criminal offense may be issued by:

(1) The judge, in vacation as well as in term, or clerk of any circuit or corporation court exercising criminal jurisdiction; or

(2) The judge, or clerk of any county or municipal court exercising criminal jurisdiction; or

(3) The judge of any juvenile and domestic relations court; or

(4) Any police justice as defined by § 16.1-70; or

(5) Any justice of the peace, unless otherwise provided by law; or

(6) Any other person so authorized by statute.

§ 19.1-91. On complaint of a criminal offense to any such officer he shall examine on oath the complainant and any other witnesses, or when such officer shall suspect that an offense punishable otherwise than by a fine has been committed he may, without formal complaint, issue a summons for witnesses, and shall examine such witnesses. If such officer sees good reason to believe that an offense has been committed, he shall issue his warrant reciting the offense and requiring the person accused to be arrested and brought before a court of appropriate jurisdiction of the county or corporation, and in the same warrant require the officer to whom it is directed to summon such witnesses as shall be therein named to appear and give evidence on the examination. But in a city or town having a police force, the warrant shall be directed "To any policeman of such city (or town)", and shall be executed by the policeman into whose hands it shall come or be delivered.

§ 19.1-92. Except as provided in § 46.1-178, any process issued against

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a person charged with a criminal offense shall be in duplicate and the officer serving such process shall leave a copy with the person charged.

§ 19.1-93. No warrant for the arrest of any engineer of a railroad locomotive, fireman, hostler or other operator thereof charging any such person with manslaughter resulting from the striking and killing of any person by any such locomotive shall be issued except as hereinafter provided. Such warrant may only be issued if the attorney for the Commonwealth of the county or city where the offense occurred be satisfied that there is substantial evidence of criminal negligence on the part of such engineer, railroad locomotive fireman, hostler or other operator.

§ 19.1-94. If a person charged with an offense shall, after or at the time the warrant is issued for his arrest, escape from or out of the county or corporation in which the offense is alleged to have been committed, the officer to whom the warrant is directed may pursue and arrest him anywhere in the State; or any person authorized to issue process under § 19.1-90, of a county or corporation other than that in which the warrant was issued, on being satisfied of the genuineness thereof, may endorse thereon his name and official character, and such endorsement shall operate as a direction of the warrant to an officer of such endorser's county or corporation.

The authority of any officer of any county, city or town authorized by law to make arrests shall extend throughout the adjoining county, city or town in which it may be necessary to go, without a warrant, when actually in close pursuit of a person who has committed a misdemeanor in the presence and in the jurisdiction of such officer; and such authority shall extend throughout the State when in close pursuit of a person sought to be arrested on the ground that such person has committed a felony in this State, even though no warrant has been issued.

§ 19.1-95. All officers except sheriffs and their deputies, whose duties are to make arrests acting under the authority of any law of this State or any subdivision thereof, who shall make any arrest, search or seizure on any public road or highway of this State shall, in order to obtain any fee therefor, be dressed at the time of making any such arrest, search or seizure in a uniform which will clearly show him to casual observation to be an officer.

§ 19.1-96. Any such officer making an arrest, search or seizure when not so uniformed shall not receive, nor shall there be taxed for his benefit against the State or any subdivision thereof, or against any defendant, any fee, mileage, attendance, pay or any other charge, compensation or reward which inures to the benefit directly or indirectly of such officer, which he otherwise would be entitled to receive. This section shall not apply to officers making an arrest, search or seizure when there is a uniformed officer present at the time of the arrest.

Nothing in this or the preceding section contained shall apply to the fixed salary or compensation of any officer. And nothing in either of such sections shall render any such arrest, search or seizure unlawful.

§ 19.1-97. Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this State in close pursuit, and continues within this State in such close pursuit, of a person in order to arrest him on the ground that he has committed a felony in such other state shall have the same authority to arrest and hold in custody such person as members of a duly organized state, county or municipal peace unit of this State have to arrest and hold in custody a person on the ground that he has committed a felony in this State, if the state from which such person has fled extends similar privileges to any member of a duly organized state, county or municipal peace unit of this Commonwealth.

If an arrest is made in this State by an officer of another state in ac-

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cordance with the provisions of the first paragraph of this section, he shall without unnecessary delay take the person arrested before a judge of a county or municipal court, or of the circuit or corporation court, of the county or city in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor. If the judge determines that the arrest was unlawful he shall discharge the person arrested.

The first paragraph of this section shall not be construed so as to make unlawful any arrest in this State which would otherwise be lawful.

For the purpose of this section the word "State" shall include the District of Columbia.

§ 19.1-98. An officer arresting a person under a warrant for an offense shall bring such person before and return such warrant to a court of appropriate jurisdiction of the county or corporation in which the warrant is issued, unless such person be let to bail as hereinafter mentioned, or it be otherwise provided.

§ 19.1-99. When a warrant is issued in a county or corporation, other than that in which the charge ought to be tried, the court before whom the accused is brought, shall, by warrant, commit him to an officer, and such officer shall carry him to the county or corporation in which the trial should be, and there shall take him before, and return such warrant to, a court of appropriate jurisdiction thereof, unless otherwise provided.

§ 19.1-100. Members of the State Police force of the Commonwealth, the sheriffs of the various counties, and their deputies, the members of any county police force, the members of any duly constituted police force of any city or town of the Commonwealth and the special policemen of the counties as provided by § 15-562, provided such officers are in uniform, or displaying a badge of office, may, at the scene of any motor vehicle accident, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest; and such officers may arrest, without a warrant, persons duly charged with crime in another jurisdiction upon receipt of a telegram, a radio or teletype message, in which telegram, radio or teletype message shall be given the name or a reasonably accurate description of such person wanted, the crime alleged and an allegation that such person is likely to flee the jurisdiction of the Commonwealth.

ARTICLE 2

EXAMINATION

§ 19.1-101. The judge or justice of the peace before whom any person is brought for an offense shall, as soon as may be, in the presence of such person, examine on oath the witnesses for and against him, and he may be assisted by counsel.

§ 19.1-102. A judge or justice of the peace may adjourn an examination or, in the case of a judge, a trial, pending before him, not exceeding ten days at one time, without the consent of the accused, and to any place in the county or corporation. In such case, if the accused be charged with a felony, unless it be a case in which only a light suspicion of guilt exists, he shall be committed to jail; otherwise, he may be recognized for his appearance at the time appointed for such further examination or trial, or for want of bail be committed to jail.

§ 19.1-103. Omitted.

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§ 19.1-104. While a witness is under such examination all other witnesses may by order of the judge or the justice of the peace be excluded from the place of examination and kept separate from each other.

§ 19.1-105. When the judge or justice of the peace deems it proper the testimony of the witnesses may be reduced to writing, and, if required by him, shall be signed by them respectively.

§ 19.1-106. The judge or justice of the peace shall discharge the accused if he consider that there is not sufficient cause for charging him with the offense.

If a judge consider that there is sufficient cause only to charge the accused with an offense which the judge has jurisdiction to try, then he shall try the accused for such offense and convict him if he deem him guilty and pass judgment upon him in accordance with law just as if the accused had first been brought before him on a warrant charging him with such offense.

If a judge consider that there is sufficient cause to charge the accused with an offense that he does not have jurisdiction to try then he shall commit him to jail or let him to bail under § 19.1-111.

If a justice of the peace consider that there is just and sufficient cause for charging the accused with a misdemeanor he shall commit him to jail or let him to bail under § 19.1-110 and if he consider that there is just and sufficient cause for charging the accused with a felony he shall commit him to jail unless such justice have the power under § 19.1-110 to admit to bail for felonies when only a light suspicion of guilt falls on the accused, in which event, if he consider that such be the case, he shall commit him to jail or let him to bail under such § 19.1-110.

The justice shall require recognizance with or without sureties as he deems proper from all material witnesses against the accused and also for the accused if he desires it.

§ 19.1-107. If the accused be committed, it shall be by an order of the judge or justice of the peace, stating that he is committed for further examination on a day specified in the order. And on that day he may be brought before such judge or justice, by his verbal order to the officer by whom he was committed, or by a written order to a different person.

§ 19.1-108. Every examination and recognizance for a felony taken under this chapter, shall, by the person taking it, be certified to the clerk of the circuit court of the county or corporation court of the city in which the party charged is to be tried, or the witness is to appear, on or before the first day of its next session. If he fail he may be compelled to do so by attachment as for a contempt.

ARTICLE 3

BAIL

§ 19.1-109. A person arrested on a capias to answer, or hear judgment on, a presentment, indictment or information for a misdemeanor, other than such as is mentioned in § 18.1-336 or on an attachment, other than an attachment to compel the performance of a judgment or of an order or decree in a civil case, may be admitted to bail by the officer who arrests him, the officer taking a recognizance in such sum, not being less than two hundred dollars unless by general or special order of the court a less sum be authorized, as he, regarding the case and estate of the accused, may deem sufficient to secure his appearance before the court from which the process issued at the time required thereby. The officer shall return the recognizance to the court on or before the return day of such process. If without sufficient cause he fail to make such return, he shall forfeit twenty dollars; and if he take insufficient bail, he shall be fined at the discretion of a jury.

§ 19.1-110. A justice of the peace before whom a person is brought charged with a misdemeanor or a felony, if only a light suspicion of

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guilt falls on him in the latter case, may, pending examination before him, or upon committing such person for trial, admit him to bail; provided that in any city where there is a police justice or a civil and police justice and in any county a justice of the peace may admit to bail only persons charged with misdemeanors and only before such persons have been arraigned or tried before a police justice, civil and police justice or trial justice. But in any such city or any county the police justice, civil and police justice or trial justice or the judge of a court of record in such city or county may authorize a justice of the peace to admit such person charged with felony to bail. If the offense be a felony, and there is good cause to believe such person guilty, he shall not be let to bail by any justice of the peace, nor shall any person in jail under an order of commitment be admitted to bail by any justice of the peace, except the one committing him, nor in a less sum than was required by such order.

§ 19.1-111. Any judge of a court not of record and the clerk or deputy clerk of any county court or municipal court may within their respective cities and counties admit to bail, upon recognizance with surety, persons charged with crime; but none of such officers shall admit to bail in any case after any court of record having jurisdiction to admit to bail in the case, or the judge thereof, has pending before him an application for bail or has refused to grant bail.

If any of such officers shall refuse to admit any person to bail or require excessive bail, then the court of record or the judge thereof having jurisdiction to admit to bail in such officer's county or city, upon petition of such person, shall at once order him to be brought before such court or judge in order that a motion may be made to admit him to bail, and upon such motion such court or judge may hear testimony and admit him to bail or remand him to jail.

No judge of a juvenile and domestic relations court, or court of limited jurisdiction as defined in Title 16.1 who receives a salary from his county or city, except in cities of over one hundred thousand inhabitants, shall, while he is holding court or immediately prior to or after holding court while he is at the place where his court is held, charge or receive any fee for admitting any person to bail or for any service whatever rendered by him in connection with any criminal case; but at all other times such officers may charge and receive from the person for whom such services are rendered the same fee for admitting to bail and other services as allowed by law to justices of the peace, except that in admitting to bail in felony cases the fee shall be two dollars. But, any city or county may provide by ordinance for such bail fees to be collected and paid into the treasury of such city or county.

§ 19.1-112. A court, or a judge thereof in vacation, in which any person is held and to be tried for a criminal offense, may, upon motion before such court, or upon a petition to the judge thereof in vacation, hear testimony and admit such person to bail before a conviction and when such petition is filed before such judge in vacation, he shall at once order such person to be brought before him, that he may hear the petition for bail. If bail be ordered, recognizance with surety may be taken by the judge or by the clerk or a deputy clerk of the court. If a circuit or corporation court, or a judge thereof in vacation, refuses to admit such person to bail, or requires excessive bail, then the Supreme Court of Appeals, or any one judge thereof in vacation, upon petition of such person shall at once order him to be brought before such Court or judge in order that a motion may be made to admit him to bail, and upon such motion the Supreme Court of Appeals, or such judge thereof in vacation, may hear testimony and admit such person to bail or remand him to jail. No other court or judge shall admit a person accused of a criminal offense to bail except as is otherwise expressly provided.

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§ 19.1-113. If an applicant for bail is held for trial in a corporation court, and the court is not in session, and the judge thereof is sick or absent from the city, then the proceedings to secure bail which would have been proper as hereinbefore stated, before such court or the judge thereof in vacation, shall be allowed before the nearest circuit or corporation court to the city in which such person is held for trial, or the judge thereof in vacation. Upon the refusal of such court or judge to admit to bail, or upon excessive bail being required, like proceedings may be had in the Supreme Court of Appeals, or before a judge thereof in vacation, as if the action had been by the court in which such person is held for trial.

§ 19.1-114. The circuit court of each county, or the judge thereof in vacation, shall appoint one or more of the commissioners in chancery of such court, bail commissioners for such county. Such court or judge may appoint a justice of the peace to serve as a bail commissioner for such county.

§ 19.1-115. The Hustings Court of the city of Roanoke, or the judge thereof in vacation, or any court of record in the city of Newport News or the judge thereof in vacation, and any court of record in the city of Waynesboro, or the judge thereof in vacation, each may appoint one of the commissioners in chancery of the court bail commissioner for such city. Such bail commissioner shall have the same powers and duties in respect to the cities of Roanoke, Newport News and Waynesboro as bail commissioners for counties have in respect to their counties.

§ 19.1-116. A bail commissioner or the clerk of the circuit court of any county or city having criminal jurisdiction and the clerks of the corporation or hustings courts of the several cities may admit to bail upon recognizance with surety all persons charged with crime in their respective cities and counties; provided that no such clerk shall exercise any of the powers of a bail commissioner except when the proper bail commissioner is unable for any reason to act as such.

None of such officers shall admit to bail in any case after any court of record having jurisdiction to admit to bail in the case, or the judge thereof, has acted upon the application or pending proceedings before such court or judge to obtain bail.

If a bail commissioner or clerk refuses to admit any person to bail or requires excessive bail, then the court of record or judge thereof having jurisdiction to admit to bail in such clerk's or bail commissioner's county or city, upon petition of such person, shall at once order him to be brought before the court or judge in order that a motion may be made to admit him to bail, and upon such motion the court or judge may hear testimony and admit him to bail or remand him to jail; provided, however, that the clerk may refuse to hear such application.

Any such bail commissioner or clerk may admit to bail any person charged with a criminal offense, for the appearance of such person in any court in which such person is required to appear to answer for such offense, whether any such court be a court of the county or city of such bail commissioner or clerk, or of some other county or city in this State.

§ 19.1-117. If the bail commissioner, clerk or judge of the proper court be incapable for any reason of hearing such application, then application may be made to the bail commissioner of an adjoining county to the one in which the applicant is held for trial, and if bail be refused, or excessive bail be required by such commissioner, then application may be made to the Supreme Court of Appeals, or a judge thereof in vacation, as provided in § 19.1-112 in cases in which a circuit court, or the judge thereof in vacation, has refused to admit to bail, or has required excessive bail.

§ 19.1-118. In any case in which a person charged with a misdemeanor or felony is held in the jail of some county, city or town other than that in which he is to be tried upon such charge, he may be admitted to bail by any

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officer of the county, city or town in the jail of which he is so held in accordance with the provisions of law concerning the granting of bail in cases in which persons are so admitted to bail or recognizance, when held in the jail in the county, city or town in which they are to be tried. The provisions of this section shall apply to persons held in any such jail for any act committed prior to July first, nineteen hundred sixty, as well as to persons so held thereafter.

§ 19.1-119. A person charged with a misdemeanor and to be carried to another county or corporation shall, if he request it in the county or corporation wherein he is arrested, be brought before a court, judge, or justice of the peace thereof. In such case, if he desire it, such court, judge, or justice of the peace before whom he is brought may, without trial or examination, let him to bail, upon taking a recognizance for his appearance before the court or justice having cognizance of the case. The fact of taking such recognizance shall be certified by the court or officer taking it upon the warrant under which such person was arrested and the warrant and recognizance shall be returned forthwith to the clerk of the court or to the trial justice before whom the accused is to appear. And to such court, the judge or justice of the peace who issued such warrant shall recognize or cause to be summoned such witnesses as he may think proper.

§ 19.1-120. If the amount of the bail fixed by the bail commissioner or clerk be deemed inadequate, the attorney for the Commonwealth of the county or city in which the accused is held for trial may, on reasonable notice to the accused, move the court, or the judge thereof in vacation, to increase the amount of such bail.

§ 19.1-121. Although a party has been admitted to bail, if the amount thereof is subsequently deemed insufficient, or the security taken inadequate, the court having jurisdiction to try the case in which the bail was required, or the judge thereof in vacation, or the officer before whom the bail was given, may increase the amount of such bail, or may require new or additional sureties therefor, or both. Any surety in a bail bond or a recognizance for the appearance of one charged with crime may take from his principal collateral or other security to indemnify such surety against liability.

§ 19.1-122. Any bail commissioner or clerk, or any court or judge thereof in vacation, to whom application is made, as herein provided, shall at once order the person held for trial to be brought before such commissioner, clerk, court or judge, and upon motion shall hear testimony and admit to bail or remand him to jail.

§ 19.1-123. In all cases in which recognizances, at the suit of the Commonwealth, may have been, or shall hereafter be entered into, it shall be the duty of the clerk of the court in which, or in the clerk's office of which, any recognizance is filed, to deliver to the bail on his applying therefor, a bail piece, in substance, as follows: "A. B. of the county (or corporation) of ....., is delivered to bail, unto C. D. of the county (or corporation) of ....., at the suit of the Commonwealth. Given under my hand, this .....day of....., in the year....."

§ 19.1-124. The fee of the commissioner or clerk for admitting a person to bail shall be two dollars. In no case shall the payment of such fee be made out of the State treasury.

ARTICLE 4

RECOGNIZANCES

§ 19.1-125. When a judge or justice of the peace considers that there is sufficient cause for charging the accused with a felony, unless it be a case wherein it is otherwise specially provided, the commitment shall be for trial, and the recognizance be for appearance in the court having jurisdic-

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tion of the offense, at such time as the case can be proceeded in before such court. The judge or justice of the peace shall return to the clerk of the court, as soon as may be, a certificate of the nature of the offense, showing whether the acused was committed or recognized therefor; and the clerk, as soon as may be, shall inform the attorney for the Commonwealth in such court of such certificate.

§ 19.1-126. A court, judge or justice of the peace letting any person to bail shall require recognizance to be given.

§ 19.1-127. Recognizances in criminal cases, where the offense is charged to have been committed against the Commonwealth, shall be payable to the Commonwealth of Virginia. Recognizances in criminal cases where the offense charged is a violation of a county, city or town ordinance, shall be payable to such county, city or town. Every recognizance under this title shall be in such sum as the court or officer requiring it may direct. If it be to answer for a misdemeanor or if required of a witness it shall be with or without security as the court or officer may direct; but in all other cases shall be with security deemed sufficient by the court or officer taking it.

§ 19.1-128. The condition, when it is taken of a person charged with a criminal offense, shall be that he appear before the court or judge before whom the proceedings on such charge will be at such time or times as may be prescribed by the court or officer taking it, and at any time or times to which the proceedings may be continued or further heard, and before any court or judge thereafter having or holding any proceedings in connection with the charge, to answer for the offense with which he is charged. And when it is taken of a witness in a case against any such person the condition shall be that he so appear to give evidence on such charge. And in either case it shall include a condition that the person or witness shall not depart thence without the leave of such court or judge. When taken for any other purpose than to appear so to answer or give evidence it shall be with condition that the person of whom it is taken shall keep the peace and be of good behavior for such time not exceeding one year as the court or officer requiring it may direct. If such court or officer direct, it may, when taken of a person so charged, be with condition for so keeping the peace and being of good behavior in addition to the other conditions of his recognizance. The recognizance shall remain in full force and effect until the charge is finally disposed of or until it is declared void by order of a competent court.

§ 19.1-129. When such recognizance is taken by a court of a person to answer a charge or of a witness to give evidence it shall be sufficient for the order of the court taking the recognizance to state that the party or parties recognized were duly recognized in such sum as the court may have directed with such surety as the court may have accepted for his or their appearance before such court at such time as may have been prescribed by the court to answer for the offense with which such person is charged or to give evidence, as the case may be.

§ 19.1-130. When a person charged with a criminal offense is admitted to bail by a court or an officer authorized by law so to do for his appearance before a court or judge having jurisdiction of the case, for a hearing thereon, he may instead of entering into a recognizance with surety give his personal recognizance and deposit, or cause to be deposited for him, in cash, the amount of bail he is required to furnish, with such court or officer, who shall give to the person whose funds are so deposited an official receipt therefor.

§ 19.1-131. In order that justices of the peace may be able to give such official receipts, it shall be the duty of the Auditor of Public Accounts to provide all such justices with official prenumbered receipt books in quadruplicate, consisting of an original and three carbon copies, the original

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receipt to go to the person whose funds are deposited, the first carbon copy to go to the court or judge before whom the person recognized is to appear, the second carbon copy to the Auditor of Public Accounts and the other copy to remain in the receipt book; and the justice of the peace with whom such cash was so deposited shall deliver the same, along with the first carbon copy of the receipt, to the court or judge before whom the person recognized is to appear, or to the clerk of such court or judge, if authorized by law to receive the same, who shall give him an official receipt therefor; provided, however, that no justice of the peace shall receive any such cash deposit unless and until he shall have given bond before the clerk of the circuit court of his county in the penalty of five hundred dollars, with approved security, and conditioned for the faithful performance of his duties and the proper accounting for all money that may come into his hands.

§ 19.1-132. If there be no default in the observance of the conditions of the recognizance, or if there be default and it be a case which may be tried in the absence of the defendant and he is so tried, and if, upon the trial of the case, the defendant be found not guilty, the money so deposited shall be refunded to the person making such deposit, or upon his order, but if the defendant be found guilty, the court or judge trying the case shall apply the money, or so much thereof as may be necessary, to the payment of such fines and costs, or costs, as may be adjudged against the defendant, and the residue thereof, if any, shall be paid over to the person making such deposit, or upon his order; provided, that if there be an appeal from the judgment of a judge trying any such case, or if it be a charge of felony and be sent on for investigation by a grand jury, the money so deposited shall be paid over by such judge to the clerk of the court to which such appeal is taken, or to which the case is sent on for investigation by a grand jury thereof, who shall issue to such judge his official receipt therefor.

If there be default in any such recognizance, and if the case be not tried in the absence of the defendant and the money disposed of as hereinabove provided for, the forfeiture thereof shall be noted of record and proceedings had thereon, as provided by law, and the money so deposited shall be held subject to the order of the court upon the final disposition of such proceedings.

§ 19.1-133. Every recognizance shall include such a waiver as is required by § 49-12 in relation to the bonds therein mentioned and though such waiver be not expressed in the recognizance it shall be deemed to be included therein in like manner and with the same effect as if it was so expressed.

§ 19.1-134. A recognizance which would be taken of a person but for his being insane or a minor may be taken of another person and without further surety, if such other person be deemed sufficient.

§ 19.1-135. A person not giving, and for whom no other person gives, a recognizance required shall be committed to jail. He shall be discharged therefrom when such recognizance is given before the court or a conservator of the peace; or, if it be to appear and give evidence, when such evidence is given; or, if it be to keep the peace and be of good behavior, when the period for which it was required has elapsed; or, in any case, when the discharge of such person is directed by the court in whose jail he is.

§ 19.1-136. A person taking a recognizance out of court shall forthwith transmit it to the clerk of the court for appearance before which it is taken; or, if it be not for appearance before a court, to the clerk of the circuit court of the county or corporation court of the city in which it is taken; and it shall remain filed in the clerk's office.

§ 19.1-137. When a person, under recognizance in a criminal case, either as party or witness, fails to perform the condition thereof, if it be

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to appear before a court of record, his default shall be recorded therein, and if it be to appear before a judge of a court not of record, his default shall be entered by the judge of such court, on the page of his docket whereon the case is docketed, and he shall notify the attorney for the Commonwealth of the same. The process on any such forfeited recognizance shall be issued from the court before which the appearance was to be, and wherein such forfeiture was recorded or entered. Any such process issued by a judge when the penalty of the recognizance so forfeited is in excess of one thousand dollars shall be made returnable to the circuit court of his county, and when not in excess of one thousand dollars it shall be made returnable before, and tried by, such judge, who shall promptly transmit to the clerk of the circuit court of his county an abstract of such judgment as he may render thereon, which shall be forthwith docketed by such clerk.

If such recognizance so forfeited be not for such appearance, process thereon shall be issued from the court in which it was taken, or the court to which it was made returnable, and in a proceeding in one court on a recognizance entered in another a copy thereof shall be evidence in like manner as the original would be if it had been entered in the court wherein the proceeding is being had thereon.

The foregoing provisions of this section shall not apply to a case in which the defendant posted a cash bond and the case is tried in his absence and the money so deposited disposed of by the court or judge in the manner prescribed by law.

§ 19.1-138. If a person recognized to appear before a justice of the peace do not appear at the time so appointed, such justice shall certify the recognizance and the fact of such default to the circuit or corporation court at its next term, and like proceedings shall be had thereon as on breach of a recognizance for appearance before such court.

§ 19.1-139. If in any motion, action, suit or other proceeding made or taken in any court of this Commonwealth on a forfeited bail bond or recognizance, or to enforce the payment of the same in any manner or any judgment thereon, or to forfeit any bail bond or recognizance, it appear that the person for whose alleged default such bail bond or recognizance was forfeited or judgment rendered, or such motion is made or proceeding taken, was prevented from complying with the condition of such bail bond or recognizance by reason of his having enlisted or been drafted in the army or navy of the United States, then judgment or decree on such motion, action, suit or other proceeding shall be given for the defendant.

§ 19.1-140. When in an action or scire facias on a recognizance the penalty is adjudged to be forfeited the court may on an application of a defendant remit the penalty or any part of it and render judgment on such terms and conditions as it deems reasonable.

§ 19.1-141. No action or judgment on a recognizance shall be defeated or arrested by reason of any defect in the form of the recognizance, if it appear to have been taken by a court or officer authorized to take it and be substantially sufficient.

§ 19.1-142. Whenever a judgment is entered in any court of record in favor of the Commonwealth of Virginia upon a forfeited recognizance or bond, the clerk of the court in which the judgment is rendered shall certify an abstract of the same to the clerk of the court wherein deeds are recorded in the county or city wherein the judgment debtor resides or in any city or county in which he may own real property, who shall thereupon enter the abstract of judgment upon his judgment docket, for which service he shall be allowed the sum of fifty cents, payable out of the State treasury.

§ 19.1-143. A surety in a recognizance may, after default, pay into the court from which the process has issued, or may issue thereon, the amount

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for which he is bound, with such costs as the court may direct, and be thereupon discharged.

§ 19.1-144. A surety in a recognizance may at any time arrest his principal and surrender him to the court before which the recognizance was taken or before which such principal's appearance is required, or to the sheriff, sergeant, or jailer of the county or city wherein the court before which such principal's appearance is required is located; in addition to the above authority, upon the application of the surety, the court, or the clerk thereof, before which the recognizance was taken, or before which such principal's appearance is required, shall issue a capias for the arrest of such principal, and such capias may be executed by such surety, or his authorized agent, or by any sheriff, sergeant or police officer, and the person executing such capias shall deliver such principal and such capias to the sheriff or jailer of the county or the sergeant or jailer of the city in which the appearance of such principal is required, and thereupon the said surety shall be discharged from liability for any act of the principal subsequent thereto. Such sheriff, sergeant or jailer shall thereafter deliver such capias to the clerk of such court, with his endorsement thereon acknowledging delivery of such principal to his custody.

§ 19.1-145. If the surrender be to the court, it shall make such order as it deems proper; if the surrender be to a sheriff, sergeant or jailer, the officer to whom the accused has been surrendered shall give the surety a certificate of the fact. After such surrender the accused may be let to bail anew for the residue of the term, or to appear as before required, but unless and until he is so let to bail anew he shall be detained in jail as in other cases of failure to give bail.

CHAPTER 7

GRAND JURIES

§ 19.1-147. There may be a regular grand jury at one term in each year of the circuit courts of the counties and of the corporation or hustings courts of the corporations, to be designated by the judges of the courts, respectively, and special grand juries whenever ordered, as herein provided.

§ 19.1-148. The judges of such courts shall annually, in the month of June, July, or August, select from the citizens of each county of their respective circuits and in their several cities sixty persons twenty-one years of age and upwards, of honesty, intelligence and good demeanor and suitable in all respects to serve as grand jurors who shall except as hereinafter provided be the grand jurors for the county or city from which they are selected for twelve months next thereafter. Such jurors shall be selected in each county from the several magisterial districts of the county and in each city from the several wards of the city in proportion to the population thereof. The judge making the selection shall at once furnish to the clerk of his court in each county of his circuit or in his city a list of those selected for that county or city. The clerk, not more than twenty days before the commencement of each term of his court at which a regular grand jury is required, shall issue a venire facias to the sheriff of his county, or sergeant of the city, commanding him to summon not less than five nor more than seven of the persons selected as aforesaid (the number to be designated by the judge of the court by an order entered of record) to be named in the writ to appear on the first day of the court to serve as grand jurors. No such person shall be required to appear more than once until all the others have been summoned once, nor more than twice until the others have been twice summoned, and so on. No citizen over seventy years of age shall be compelled to serve as a grand juror. The clerk, in issuing the venire facias shall apportion the grand jurors, as

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nearly as may be, ratably among the magisterial districts or wards; but the circuit court of James City county, or the judge thereof in vacation, shall select the grand jurors for such court from such county and the city of Williamsburg in such proportion from each as he may think proper.

The clerk shall immediately upon the selection of the grand jury list advise in writing each woman whose name has been selected of the fact that her name has been selected for such purpose and that her name will be placed upon the list unless she notifies the clerk in writing fifteen days from the date of the notice sent by the clerk that she does not desire her name to be placed upon the list. The clerk shall not include on the grand jury list above mentioned the name of any woman who notifies the clerk in writing within such fifteen-day period that she does not desire her name to be placed upon the grand jury list.

§ 19.1-149. A special grand jury may be ordered at any time by a circuit court of a county or corporation, or corporation or hustings court of a corporation, or the judge thereof in vacation. The jurors shall be summoned from a list furnished by the judge. When a grand jury, regular or special, has been discharged, the court, during the term, may impanel another grand jury, which may be a special grand jury. A special grand jury may be summoned for and impanelled at a special term of the court as well as at a regular term. In the event a special grand jury has been impanelled to investigate any given condition or conditions, and has not completed its hearings before the end of the term of court at which it was impanelled, such special grand jury may, on order of the court, be continued from time to time and other grand juries, regular or special, may be impanelled by the court for the hearing of other matters.

§ 19.1-150. A grand jury, regular and special, shall consist of not less than five nor more than seven persons. Each grand juror shall be a citizen of this State, twenty-one years of age, and shall have been a resident of this State one year and of the county or corporation in which the court is to be held six months, and in other respects a qualified juror, and, when the grand juror is for a circuit court of a county, not an inhabitant of a city, except in those cases in which the circuit court of the county has jurisdiction in the city, in which case the city shall be considered as a magisterial district, or the equivalent of a magisterial district, of the county for the purpose of the jury lists.

§ 19.1-151. If a sufficient number of grand jurors do not appear, the court may order the deficiency to be supplied from the bystanders or from a list furnished by the judge to the sheriff or sergeant.

§ 19.1-152. From among the persons summoned who attend the court shall select a foreman who shall be sworn as follows: "You shall diligently inquire, and true presentment make, of all such matters as may be given you in charge, or come to your knowledge, touching the present service. You shall present no person through prejudice or ill-will, nor leave any unpresented through fear or favor, but in all your presentments you shall present the truth, the whole truth, and nothing but the truth. So help you God". The other grand jurors shall afterwards be sworn as follows: "The same oath that your foreman has taken on his part, you and each of you shall observe and keep on your part. So help you God". Any witness testifying before the grand jury may be sworn by the foreman.

§ 19.1-153. If the foreman or any grand juror, at any time after being sworn, fail or be unable to attend, another may be sworn in his stead.

§ 19.1-154. The grand jury, after being sworn, shall be charged by the judge of the court and shall then be sent to their room.

§ 19.1-155. The grand jury shall inquire of and present all felonies, misdemeanors and violations of penal laws committed within the jurisdiction of the respective courts wherein they are sworn; except that no presentment shall be made of a matter for which there is no corporal punish-

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ment, but only a fine, where the fine is limited to an amount not exceeding five dollars.

§ 19.1-156. Every commissioner of the revenue, sheriff, constable or other officer shall promptly give information of the violation of any penal law to the attorney for the Commonwealth, who shall forthwith institute and prosecute all necessary and proper proceedings in such case, whether in the name of the Commonwealth or of a county or corporation, and may in such case issue or cause to be issued a summons for any witnesses he may deem material to give evidence before the court or grand jury. No attorney for the Commonwealth shall go before any grand jury during their deliberations except when duly sworn to testify as a witness, but he may advise the foreman of the grand jury or any member or members thereof in relation to the discharge of their duties.

§ 19.1-157. At least four of a regular or special grand jury must concur in finding or making an indictment or presentment. They may make a presentment or find an indictment upon the information of two or more of their own body, or on the testimony of witnesses called on by the grand jury, or sent to it by the court. If only one of their number can testify as to an offense, he shall be sworn as any other witness. When a presentment or indictment is so made or found, the names of the grand jurors giving the information, or of the witnesses, shall be written at the foot of the presentment or indictment.

§ 19.1-158. Although a bill of indictment be returned not a true bill the same or another bill of indictment against the same person for the same offense may be sent to, and acted on, by the same or another grand jury. No irregularity in the time or manner of selecting the jurors, or in the writ of venire facias, or in the manner of executing the same, shall vitiate any presentment, indictment or finding of a grand jury.

§ 19.1-159. A court whose officer fails without good cause when it is his duty, to summon a grand jury and return a list of their names shall fine him twenty dollars. A person summoned and failing to attend a court as a grand juror shall be fined by the court not less than five dollars, unless, after being summoned to show cause against the fine, he give a reasonable excuse for his failure.

§ 19.1-160. Every person who serves upon a grand jury shall receive the same compensation and mileage allowed jurors in civil cases by § 8-204 and the same shall be paid out of the county or corporation levy.

§ 19.1-161. The compensation, fees, mileage and allowances prescribed in this chapter for grand jurors selected or appointed for the Circuit Court of the city of Richmond shall be paid by the Commonwealth.

CHAPTER 8

PRESENTMENTS, INDICTMENTS AND INFORMATIONS; PROCESS THEREON.

ARTICLE 1

NECESSITY FOR INDICTMENT, ETC.

§ 19.1-162. An information may be filed upon presentment or indictment by a grand jury or upon a complaint in writing verified by the oath of a competent witness; but no person shall be put upon trial for any felony, unless an indictment or presentment shall have first been found or made by a grand jury in a court of competent jurisdiction or unless such person, by writing signed by such person before the court having jurisdiction to try such felony or before the judge of such court in vacation, shall have waived such indictment or presentment, in which event he may be tried on a warrant or information. If the accused be in custody, or has been recognized or summoned to answer such information, pre-

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sentment or indictment, no other process shall be necessary; but the court may, in its discretion, issue process to compel the appearance of the accused.

§ 19.1-163. A person in jail on a criminal charge shall be discharged from imprisonment if a presentment, indictment or information be not found or filed against him before the end of the second term of the court at which he is held to answer, unless it appear to the court that material witnesses for the Commonwealth have been enticed or kept away or are prevented from attendance by sickness or inevitable accident, and except, also, in the case provided in § 19.1-228; and in those cases in which such criminal charge is one of felony, the second term of the court shall be construed to mean the second term thereof at which a grand jury was impaneled; but in all other cases of a criminal charge, it shall have no such restricted meaning. A discharge under the provisions of this section shall not, however, prevent a reincarceration after a presentment or indictment has been found.

§ 19.1-164. No information need be filed on a presentment of an offense for which there is no punishment but a fine or forfeiture, limited to an amount not exceeding twenty dollars; but a summons to answer such presentment may be issued against the accused; and if it be served ten days before the return day thereof, and he do not appear, judgment may be rendered against him for the penalty. If he appear, the court may, unless he demand a jury, hear and determine the matter and give judgment thereon.

ARTICLE 2
FORM AND REQUISITES

§ 19.1-165. Judgment in any criminal case shall not be arrested or reversed upon any exception or objection made after a verdict to the indictment or other accusation, unless it be so defective as to be in violation of the Constitution.

§ 19.1-166. The prosecutions for offenses against the Commonwealth, unless otherwise provided, shall be by presentment, indictment or information. While any form of presentment, indictment or information which informs the accused of the nature and cause of the accusation against him shall be good the following shall be deemed sufficient for murder and manslaughter:

State of Virginia.....county (or city) to-wit: The grand jurors of the State of Virginia, in and for the body of the county (or city) of ....., upon their oaths present that A.....B....., on the ..... day of ....., nineteen ....., in the county (or city) of ..... feloniously did kill and murder one C.....D.....against the peace and dignity of the Commonwealth.

A grand jury may, in case of homicide, which in their opinion amounts to manslaughter only, and not to murder, find an indictment against the accused for manslaughter and in such case the indictment shall be sufficient if it be in form or effect as follows:

State of Virginia.....county (or city) to-wit: The grand jurors of the State of Virginia, in and for the body of the county (or city) of ....., upon their oaths present that A.....B....., on the ..... day of ....., nineteen ..... in the county (or city) of ..... feloniously and unlawfully did kill and slay one C.....D....., against the peace and dignity of the Commonwealth.

§ 19.1-167. In an indictment or accusation for perjury or subornation of perjury it shall be sufficient to state the substance of the offense charged against the accused, in what court or by whom the oath was ad-

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ministered which is charged to have been falsely taken, and to aver that such court or person had competent authority to administer the same, together with proper averments to falsify the matter wherein the perjury is assigned, without setting forth any part of any record or proceeding at law or equity, or the commission or authority of the court or person before whom the perjury was committed; but nothing herein shall be construed to allow, without the consent of the accused, a part only of any record, proceeding or writing to be given in evidence on the trial of such indictment or accusation. A distinct allegation, averment or statement in any part of the indictment that the defendant did corruptly swear falsely, or did, on the occasion mentioned in the indictment, commit willful perjury, shall be a sufficient allegation of the falsity of the oath alleged to have been taken.

§ 19.1-168. In a prosecution against a person accused of embezzling or fraudulently converting to his own use bullion, money, bank notes or other security for money it shall be lawful in the same indictment or accusation to charge and thereon to proceed against the accused for any number of distinct acts of such embezzlements or fraudulent conversions which may have been committed by him within six months from the first to the last of the acts charged in the indictment; and it shall be sufficient to allege the embezzlement or fraudulent conversion to be of money without specifying any particular money, gold, silver, note or security. Such allegation, so far as it regards the description of the property, shall be sustained if the accused be proved to have embezzled any bullion, money, bank note or other security for money although the particular species be not proved.

And in a prosecution for the larceny of United States currency or for obtaining United States currency by a false pretense or token, or for receiving United States currency knowing the same to have been stolen, it shall be sufficient if the accused be proved guilty of the larceny of national bank notes or United States treasury notes, certificates for either gold or silver coin, fractional coin, currency, or any other form of money issued by the United States government, or of obtaining the same by false pretense or token, or of receiving the same knowing it to have been stolen although the particular species be not proved.

§ 19.1-169. In a prosecution for forging or altering any instrument or other thing, or attempting to employ as true any forged instrument or other thing, or for any of the offenses mentioned in article 3 of chapter 3 of Title 18.1, it shall not be necessary to set forth any copy or facsimile of such instrument or other thing; but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing such instrument or other thing, supposing it to be the subject of larceny.

§ 19.1-170. Where an intent to injure, defraud or cheat is required to constitute an offense, it shall be sufficient, in an indictment or accusation therefor, to allege generally an intent to injure, defraud or cheat without naming the person intended to be injured, defrauded or cheated; and it shall be sufficient, and not be deemed a variance, if there appear to be an intent to injure, defraud or cheat the United States, or any State, or any county, corporation, officer or person.

§ 19.1-171. All allegations unnecessary to be proved may be omitted in any indictment or other accusation.

§ 19.1-172. No indictment or other accusation shall be quashed or deemed invalid:

(1) For omitting to set forth that it is upon the oaths of the jurors or upon their oaths and affirmation;

(2) For the insertion of the words "upon their oath", instead of "upon their oaths";

(3) For not in terms alleging that the offense was committed "within

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the jurisdiction of the court" when the averments show that the case is one of which the court has jurisdiction;

(4) For the omission or misstatement of the title, occupation, estate, or degree of the accused or of the name or place of his residence;

(5) For omitting the words "with force and arms" or the statement of any particular kind of force and arms;

(6) For omitting to state, or stating imperfectly, the time at which the offense was committed when time is not the essence of the offense;

(7) For failing to allege the kind or value of an instrument which caused death or to allege that it was of no value;

(8) For omitting to charge the offense to be "against the form of the statute or statutes"; or

(9) For the omission or insertion of any other words of mere form or surplusage.

Nor shall it be abated for any misnomer of the accused; but the court may, in case of a misnomer appearing before or in the course of a trial, forthwith cause the indictment or accusation to be amended according to the fact.

§ 19.1-173. In a prosecution for a misdemeanor the name of the prosecutor if there be one and the county or corporation of his residence shall be written at the foot of the presentment, indictment or information when it is made, found or filed. In case the grand jury that brings in such presentment or indictment or the attorney for the Commonwealth that files such information fail to write the name of a prosecutor at the foot of the presentment, indictment or information, then the name of a prosecutor may be entered of record as such by the court on the motion of the defendant or the attorney for the Commonwealth at any time before the judgment.

§ 19.1-174. For good cause the court may require a prosecutor to give security for the costs and if he fails to do so dismiss the prosecution at his costs.

ARTICLE 3

AMENDMENT

§ 19.1-175. An amendment of any defect in an indictment or presentment for a misdemeanor that does not change the nature of the offense charged may be made by the court before which the trial is had, at any time before judgment is entered; but if such amendment operates as a surprise to the defendant, he shall be entitled, upon request, to a continuance of the case.

§ 19.1-176. At any time before the defendant pleads a defective indictment for treason or felony may be amended by the court before which the trial is had in any manner that does not change the character of the offense charged. After such amendment has been made the defendant shall be arraigned on the indictment as amended and the trial shall proceed as if no amendment had been made; but if such amendment operates as a surprise to the defendant he shall be entitled, upon request, to a continuance of the case.

§ 19.1-177. If there be any defect in form in any indictment for treason or felony, it shall be competent for the court in which the case is pending for trial, after the defendant pleads, to amend the indictment, provided such amendment does not change the nature of the offense charged; and if, on the trial of any case, there shall appear to be any variance between the allegations of the indictment and the evidence offered in proof thereof, it shall be competent for the court before which the trial is had to amend the indictment, according to the proof, provided such amendment does not change the nature of the offense charged; and after such amendment the indictment as amended shall be read to the accused, and he shall

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be allowed to plead anew, if he so desires, and the trial shall proceed in all respects, and with the same consequences, as if no variance had occurred, unless such amendment shall operate as a surprise to the defendant, in which case the defendant shall be entitled, upon request, to a continuance of the cause.

ARTICLE 4

PROCESS

§ 19.1-178. When an indictment or presentment is found or made, or information filed, the court, or the judge thereof in vacation, shall award process against the accused to answer the same, if he be not in custody. Such process, if the prosecution be for a felony, shall be a capias; if it be for a misdemeanor, for which corporal punishment may be inflicted, it may be a capias or summons, in the discretion of the court or judge; in all other cases, it shall be, in the first instance a summons, but if a summons be returned executed and the defendant do not appear, or be returned not found, the court or judge may award a capias.

§ 19.1-179. § 8-44 shall apply to process in criminal, as well as in civil cases; and the court may, in the same case against the same person, award at the same time, or different times, several writs of summons or capias directed to officers of different counties or corporations. An officer having a capias under which the accused is let to bail shall give a certificate of the fact, which shall protect him against any other capias which may have been issued for the same offense. A summons shall be served by delivering a copy thereof to the party in person and the clerk issuing such summons shall deliver or transmit therewith as many copies thereof as there are persons named therein on whom it is to be served.

§ 19.1-180. No capias to hear judgment shall be necessary in any prosecution for a misdemeanor, but the court may proceed to judgment in the absence of the accused; and, if such judgment requires confinement in jail, the court may make such order as may be necessary for the arrest of the person against whom such judgment is and for the execution thereof. The proceedings upon such order shall conform, as nearly as may be to those upon a capias to hear judgment and all officers charged with its execution shall have the same powers, be charged with the same duties and be subject to the same responsibilities as provided by law in case of a capias to hear judgment.

§ 19.1-181. The clerk of every court shall forward, by mail, all process issued for the Commonwealth, directed to the officer of any county or corporation other than his own and pay the postage thereon which, on being duly certified by the court, shall be paid out of the State treasury.

§ 19.1-182. When process of arrest in a criminal prosecution is issued from a court during its session, either against a party accused or a witness, the officer to whom it is directed or delivered may execute it in any part of the State.

§ 19.1-183. An officer who, under a capias from a court, arrests a person accused of an offense not bailable or for which bail is not given shall deliver the accused to such court, if sitting, or to the jailor thereof, who shall receive and imprison him.

§ 19.1-184. On any indictment or presentment for a misdemeanor process shall be issued immediately. If the accused appear and plead to the charge, the trial shall proceed without delay, unless good cause for continuance be shown. If, being summoned, he fail to appear and plead and the indictment or presentment be founded on any provision of chapter 7 of Title 18.1, or on a violation of any provision of the laws relating to the public revenue, the court may render judgment in the same manner as if he had confessed the charge in court; and if the offense be punishable by a fine not fixed by law, a jury shall be impaneled to assess the same.

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But on indictment or presentment for any other misdemeanor, after the summons has been executed ten days, the court may either award a capias or proceed to trial in the same manner as if the accused had appeared and pleaded not guilty; and any warrant charging any misdemeanor and returnable before a judge appointed under chapter 2 or chapter 3 of Title 16.1 upon which the accused has been summoned or recognized to appear before such judge and shall fail to appear in response to such summons or recognizance, may be tried by such judge as if accused had appeared and pleaded not guilty.

§ 19.1-185. There shall be no discontinuance of any criminal prosecution by reason of the failure of the court to award process or to enter a continuance on the record.

§ 19.1-186. A summons against a corporation to answer an indictment, presentment or information may be served as provided in §§ 8-59 and 8-60; and if the defendant after being so served fail to appear, the court may proceed to trial and judgment, without further process, as if the defendant had appeared and pleaded not guilty. And when, in any such case, publication of a copy of the process is required according to such sections, the expense of such publication may be certified by the court to the Comptroller, and shall be paid out of the State treasury; but the same shall be taxed with other costs and collected from the defendant, if judgment be for the Commonwealth, and be paid into the State treasury by the officer collecting the same.

CHAPTER 9

TRIAL AND ITS INCIDENTS

ARTICLE 1

JURISDICTION; SETTING CASES FOR TRIAL

§ 19.1-187. The circuit courts, except where otherwise provided, shall have exclusive original jurisdiction for the trial of all presentments, indictments and informations for offenses committed within the counties and within the cities which may not have corporation courts of their respective circuits.

§ 19.1-188. The judge of each circuit and corporation court shall fix a day of his court when the trial of criminal cases will commence, and shall make such general or special order in reference thereto, and to the summoning of witnesses, as may seem proper; but this section shall not be so construed as to deprive the court of the right to proceed with the trial of any case at the same term at which an indictment is found, provided the defendant is in actual custody or out on bail.

§ 19.1-189. Before every term of any court in which criminal cases are to be tried the clerk of the court shall make out a separate docket of criminal cases then pending, in the following order, numbering the same:

(1) Felony cases;

(2) Misdemeanor cases.

He shall docket all felony cases in the order in which the indictments are found and all misdemeanor cases in the order in which the presentments or indictments are found or informations are filed or appeals are allowed by magistrates and as soon as any presentments or indictments are made at a term of court he shall forthwith docket the same in the order required above.

All criminal cases shall be disposed of before civil cases, unless the court, by an order entered of record, shall direct otherwise.

§ 19.1-190. When an indictment is found against a person for felony or when an appeal has been perfected from the conviction of a misdemeanor, the accused, if in custody, or if he appear according to his re-

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cognizance, shall, unless good cause be shown for a continuance, be tried or arraigned and tried at the same term; provided that no trial shall be had on the first day of the term unless it be with the consent of the attorney for the Commonwealth and the accused, or his attorney.

§ 19.1-191. Every person against whom an indictment is found charging a felony and held in any court for trial, whether he be in custody or not, shall be forever discharged from prosecution for the offense, if there be three regular terms of the circuit or four of the corporation or hustings court in which the case is pending after he is so held without a trial, unless the failure to try him was caused:

(1) By his insanity or by reason of his confinement in a hospital for the insane for care and observation,

(2) By the witnesses for the Commonwealth being enticed or kept away or prevented from attending by sickness or inevitable accident,

(3) By the granting of a separate trial at the request of a person indicted jointly with others for a felony,

(4) By continuance granted on the motion of the accused or by reason of his escaping from jail or failing to appear according to his recognizance,

(5) By the inability of the jury to agree in their verdict, or

(6) Where there be no court held at the regular term or where there is court held and for any reason it would be injudicious, in the opinion of the court, to have jurors and witnesses summoned for that term, which reason shall be specially spread upon the records of the court.

But the time during the pendency of any appeal in any appellate court shall not be included as applying to the provisions of this section.

ARTICLE 2

TRIAL WITHOUT JURY

§ 19.1-192. Upon a plea of guilty in a felony case, tendered in person by the accused after being advised by counsel, the court shall hear and determine the case without the intervention of a jury; or if the accused plead not guilty, with his consent after being advised by counsel and the concurrence of the attorney for the Commonwealth and of the court entered of record, the court shall hear and determine the case without the intervention of a jury. In such cases the court shall have and exercise all the powers, privileges and duties given to juries by §§ 18.1-16 through 18.1-20, 19.1-249, 19.1-251 to 19.1-254 and 19.1-292, or any other statute relating to crimes and punishments.

§ 19.1-193. In all cases of a misdemeanor upon a plea of guilty, tendered in person by the accused or by his counsel, the court shall, and upon a plea of not guilty, with the consent of the accused, given in person or by his counsel, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case without the intervention of a jury. In all such cases the court shall have and exercise all the powers and duties vested in juries by any statute relating to crimes and punishments.

When a person charged with a misdemeanor has been admitted to bail or released upon his own recognizance for his appearance before a court of record having jurisdiction of the case, for a hearing thereon and fails to appear in accordance with the condition of his bail or recognizance, he shall be deemed to have waived trial by a jury and the case may be heard in his absence as upon a plea of not guilty if the bond or recognizance states that nonappearance shall be deemed to constitute a waiver of trial by jury.

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ARTICLE 3

JURIES

§ 19.1-194. The clerk of the court in which the trial of a case of felony is to be had shall, as soon as may be, issue a writ of venire facias directed to the officer of the court requiring him to summon jurors for such trial from a list to be furnished him as provided in § 19.1-196.

§ 19.1-195. Any court in which a person accused of felony is to be tried, or the judge of such court in vacation, may at any time cause a venire facias to issue for his trial.

§ 19.1-196. The writ of venire facias in case of felony shall command the officer to whom it is directed to summon twenty persons of his county or corporation, to be taken from a list furnished him by the clerk issuing the writ, who are qualified in all respects to serve as jurors, to attend the court wherein the accused is to be tried on the first day of the next term thereof or at such other time as the court or judge may direct.

§ 19.1-197. At one term of the court only one jury shall be summoned, unless the court or judge thereof otherwise direct; and the jury so summoned may be used for the trial of all the cases which may be tried at that term, including civil cases as well as felonies and misdemeanors, and the court or judge shall personally select as many of the jurors as deemed necessary, whose names appear on the writ of venire facias, who shall attend court on any day during the term and serve as jurors in the trial of cases hereinabove referred to.

§ 19.1-198. The list mentioned in § 19.1-196 shall contain the names of twenty-four persons drawn for that purpose by the clerk of the court or his deputy from the names and box provided for by §§ 8-182 and 8-184. Such drawing shall be in the presence of the judge of the court, or in his absence of one of the commissioners in chancery provided for by §§ 8-187 to 8-189, and a reputable citizen not connected with the accused or the prosecution, or, in a case of homicide, with the deceased, who shall be called upon for that purpose by the clerk conducting the drawing. If the presence of the commissioner cannot be obtained, the drawing shall be in the presence of two reputable citizens not connected as aforesaid and called upon by the clerk. The clerk shall notify the commissioner of the time his attendance is desired and it shall be his duty to attend at such time at the clerk's office. The drawing, except as herein otherwise provided, shall conform as near as may be to the mode prescribed for drawing juries in civil cases.

§ 19.1-199. For good cause shown in any felony case the judge of the court, in term time or vacation, may direct more than twenty-four names to be drawn and placed on the list, and more than twenty persons to be summoned. He shall in such cases specify the number of names to be drawn and the number of persons to be summoned; the number drawn shall not be more than four in excess of the number to be summoned.

§ 19.1-200. If there is drawn from the box the name of a person who has died, removed from the county or city or is related to the accused or to the prosecutor, or, in case of homicide, to the deceased, or who is known to the clerk or other persons attending the drawing, if the case be in a circuit court of a county, to live within two miles of the place where the crime is charged to have been committed, such name shall not be placed on the list as they are drawn, and when twenty-four names have been so placed the drawing shall cease, and a copy of the list shall at once be made and signed by the clerk and the persons attending the drawing. Such copy shall be filed in the clerk's office. However, nothing in this section shall be construed to relate to the qualifications of jurors or to confer upon any accused any right to exact compliance with its provisions.

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§ 19.1-201. No irregularity in any writ of venire facias, in the drawing, summoning, returning or impanelling of jurors, in making out or copying or signing or failing to sign the list or in drawing more persons than four in excess of the number to be summoned shall be cause for summoning a new panel or for setting aside a verdict or granting a new trial, unless objection thereto specifically pointed out was made before the jury was sworn, and unless it appears that such irregularity, error or failure was intentional or such as probably to cause injustice to the Commonwealth or to the accused; and no judgment shall be arrested or reversed for the failure of the record to show that there was a venire facias, unless made a ground of exception in the trial court before the swearing of the jury.

§ 19.1-202. If a person, indicted jointly with others for a felony, elects to be tried separately, the venire summoned for their trial may be used for him who is first tried and the court shall award a venire facias for the trial of the others, jointly or separately, as they may elect.

§ 19.1-203. Every sheriff and city sergeant, after executing a writ of venire facias for a petit jury, shall prepare a list showing the name, occupation and address of each venireman summoned and shall deliver the list to the clerk of the court from which such writ is issued. The clerk, upon request, shall exhibit such list to the parties or counsel; but no inaccuracy in the list shall constitute error.

§ 19.1-204. In any case of felony when a sufficient number of jurors to constitute a panel of twenty free from exception cannot be had from those summoned and in attendance, or when the venire facias or panel has been quashed for any cause, the court shall select from the names on the list provided for by §§ 8-182 and 8-184, the names of, and cause to be summoned, so many persons as may be deemed necessary to obtain a panel of twenty free from exception; and, if for any reason the list be found to have been unlawfully, illegally or improperly prepared, the court shall select from the persons who were eligible to have been placed on the list, and cause to be summoned, so many persons as may be deemed necessary to obtain a panel of twenty, free from exception, and the venire thus summoned, in either such event, may be used for the trial of all criminal cases to be tried at that term, both felonies and misdemeanors, in the same manner as if the venire had been obtained according to the provisions of §§ 19.1-196 to 19.1-202.

§ 19.1-205. If any person summoned under any venire facias authorized by this chapter fail to attend, as required, without sufficient excuse, he shall be fined by the court not less than five nor more than fifty dollars.

§ 19.1-206. Jurors drawn or summoned under chapter 11 of Title 8 shall be jurors as well for the trial of cases of misdemeanor as of civil cases, and all the provisions of that chapter except the provisions of §§ 8-193 to 8-202 and the provisions of § 8-204 which direct the compensation and mileage of jurors to be paid out of the county or corporation levy (which excepted provisions shall apply exclusively to jurors and juries in civil cases) shall extend as well to jurors and juries in cases of misdemeanor as to jurors and juries in civil cases. And §§ 8-174, 8-175, 8-178, 8-194, 8-199 to 8-201, 8-205 to 8-208, 3-215 and 8-216 shall apply to jurors and juries in all cases, criminal as well as civil. Eleven jurors shall constitute a panel in the trial of misdemeanors, but the jury therefor shall be composed of five.

No officer shall be allowed more than one fee for executing writs of venire facias on the same persons for the same term of court.

§ 19.1-207. In every case of a felony there shall be selected from the persons summoned, as aforesaid, a panel of twenty persons, free from exception, from which panel the Commonwealth may strike four and the accused four, and the remaining twelve shall constitute the jury for the

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trial of the accused. The striking off of jurors shall be done alternately, the Commonwealth beginning. If either the accused or the attorney for the Commonwealth fail to strike off any, or if they strike off a less number than above allowed, twelve of the panel, or of those remaining thereon, shall be selected by lot who shall constitute the jury.

§ 19.1-208. In every case of felony, the Commonwealth shall be allowed four peremptory challenges, and the accused four. In every case of misdemeanor, whether on an appeal from a court not of record or an original trial, the Commonwealth and the prisoner shall each be allowed three peremptory challenges. No other challenges shall be allowed except for cause. All challenges shall be tried by the court in which they are made.

§ 19.1-209. Persons indicted for felony who elect to be tried jointly shall be allowed to strike from the panel not more than four, but should the accused not agree as to the jurors to be stricken from the panel, the four jurors to be stricken off shall be ascertained by lot.

§ 19.1-210. A person whose opinions are such as to prevent his convicting any one of an offense punishable with death shall not be allowed to serve as a juror on a trial for such offense.

§ 19.1-211. No person residing within two miles of the place where the crime is alleged to have been committed shall be allowed to serve as a juror in any felony case in the circuit court of any county; provided, however, that the impanelling of such a juror shall not be cause for summoning a new panel, or for setting aside a verdict or granting a new trial, unless objection thereto specifically pointed out is made before the jury is sworn; and provided further, however, that such a juror may be impanelled and serve in any county having a population in excess of ninety-five thousand or in any county containing a town, the population of which is more than half the entire population of the county.

§ 19.1-212. In a criminal case in any court, if qualified jurors, not exempt from serving, cannot be conveniently found in the county or corporation in which the trial is to be, the court may cause so many of such jurors as may be necessary to be summoned from any other county or corporation by the sheriff or sergeant thereof, or by its own officer, from a list to be furnished either by the trial judge or by the judge of the circuit court of the county, or the corporation court of the city, from which the jurors are to be summoned.

§ 19.1-213. In any case of a felony the jury shall not be kept together unless the court otherwise directs.

§ 19.1-214. When the jury are kept together the court shall direct its officers to furnish them with suitable board and lodging, when so confined, to be paid out of the State treasury, the expense thereof to be determined by the court, not to exceed, however, for each juror, two dollars for each meal furnished, and not to exceed ten dollars for lodging. And the same amount shall be allowed, in either case, for the meals and lodging of sheriff, or his deputy, keeping such jury, to be paid in the same manner. But in no case, shall more be paid for meals or lodging than usually charged by the hotel or boardinghouse at which the jury is lodged.

§ 19.1-215. Whenever a jury is required to be kept together it shall be deemed a sufficient compliance although the court for good cause permits one or more of such jurors to be separated from the others, provided all such jurors, whether separated or not, be kept in charge of officers provided therefor.

§ 19.1-216. Whenever in the opinion of the court the trial of any criminal case is likely to be a protracted one, the court may, immediately after the jury is impanelled and sworn, direct the selection of one or two additional jurors, to be known as "alternate jurors". Such jurors shall be

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drawn from the same source and in the same manner and have the same qualifications as regular jurors, and be subject to examination and challenge as such jurors, except that the Commonwealth shall be allowed one peremptory and the accused person or persons one peremptory challenge. The alternate jurors shall take the proper oath or affirmation and shall be seated near the regular jurors with equal facilities for seeing and hearing the proceedings in the cause and shall attend at all times upon the trial of the cause in company with the regular jurors. They shall obey all orders and admonitions of the court and if the regular jurors are ordered to be kept in the custody of an officer during the trial of the cause, the alternate jurors shall also be kept with the other jurors and, except as hereinafter provided, shall be discharged upon the final submission of the cause to the jury. If before the final submission of the cause, a regular juror dies or is for good cause discharged or excused, the court shall order the alternate juror, if there is but one, to take his place in the jury box. If there are two alternate jurors the court shall select one by lot, who shall then take his place in the jury box. After an alternate juror is in the jury box he shall be subject to the same rules as a regular juror and the trial shall otherwise proceed as if such regular juror had not died or been discharged or excused.

§ 19.1-217. If a juror, after he is sworn, be unable from any cause to perform his duty, the court may, in its discretion, cause another qualified juror to be sworn in his place; and in any criminal case, the court may discharge the jury when it appears that they cannot agree in a verdict or that there is a manifest necessity for such discharge.

§ 19.1-218. Every person summoned as a juror in a criminal case shall be entitled to five dollars for each day of attendance upon the court and mileage at the rate of seven cents per mile for each mile of travel on each day of such attendance (except when they are kept together and their expenses are paid by the State) by most direct route in going to and returning from court; but such mileage shall in no case exceed four dollars per day; provided that each juror summoned from one county or city to try a criminal case in another county or city shall for his services, receive his actual expenses in addition to his per diem. If the same person attend as a juror in more than one criminal case on the same day he shall receive compensation and mileage in only one case. Amounts for attendance and mileage provided for in this section shall be paid out of the State treasury except as hereinafter provided.

When during the same day a person has served as a juror for which he is entitled to be paid out of the State treasury, and has also served as a juror for which he is entitled to be paid out of the county or corporation levy, the court shall divide equally the pay and mileage for the day between the State and county or corporation; and the sheriff of the circuit or sergeant of the corporation or hustings court, at the term of the court during which an allowance is made or has been made under this section, shall furnish the clerk of the court with a statement showing the number of names of the jurors in attendance upon the court and the number of miles, respectively, of travel, as aforesaid. In every case the claim of the juror for attendance and for mileage shall be verified by his affidavit.

§ 19.1-219. The compensation, fees, mileage and allowances prescribed in this article for jurors selected or appointed for the Circuit Court of the city of Richmond shall be paid by the Commonwealth.

ARTICLE 4

VENUE

§ 19.1-220. Prosecution for offenses committed wholly or in part without and made punishable within this State may be in any county or corpora-

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tion in which the offender is found or to which he is sent by any judge, justice, or court; and if any person shall commit larceny, embezzlement or robbery beyond the jurisdiction of this State and bring the stolen property into the same he shall be liable to prosecution and punishment for his offense in any county or corporation in which he may be found as if the same had been wholly committed therein; provided, that if any person shall commit embezzlement within this State he shall be liable to prosecution and punishment for his offense in the county or city in which the offense occurred or in the county or city in which he was legally obligated to deliver the embezzled funds or property.

§ 19.1-221. If a mortal wound or other violence or injury be inflicted by a person within this State upon one outside of the same, or upon one in this State who afterwards dies from the effect thereof out of the State, the offender shall be amenable to prosecution and punishment for the offense in the courts of the county or corporation in which he was at the time of the commission thereof as if the same had been committed in such county or corporation.

§ 19.1-222. An offense committed on the boundary of two counties, or within three hundred yards thereof, may be alleged to have been committed, and may be prosecuted and punished, in either county, and any sheriff, deputy sheriff, or other police officer shall have jurisdiction to make arrests and preserve the peace for a like distance on either side of the boundary line between such counties.

§ 19.1-223. If a mortal wound, or other violence or injury, be inflicted, or poison administered in one county or corporation, and death ensue therefrom in another county or corporation, the offense may be prosecuted in either.

§ 19.1-224. A circuit court may, on motion of the accused or of the Commonwealth, for good cause, order the venue for the trial of a criminal case in such court to be changed to some other circuit or corporation court and in like manner the court of a corporation may order the venue to be changed to some other corporation or circuit court. Such motion when made by the accused may be made in his absence upon a petition signed and sworn to by him, which petition may, in the discretion of the judge, be acted on by him in vacation; and, whenever the mayor of any city, or the sheriff of any county, shall call on the Governor for military force to protect the accused from violence, the judge of the corporation court of the city or the circuit court of the county having jurisdiction of the offense shall, upon a petition signed and sworn to by the accused, whether he be present or not, at once order the venue to be changed to the corporation court of a city or the circuit court of a county sufficiently remote from the place where the offense was committed to insure the safe and impartial trial of the accused.

§ 19.1-225. When the venue is so changed, the court making the order may admit the accused to bail and shall recognize the witnesses and the accused if admitted to bail and the bail be given, to appear on some certain day before the court to which the case is removed; if the accused be not admitted to bail or the bail required be not given, the court shall remand him to its own jail and order its officer to remove him thence to the jail of the court to which the case is removed, so that he shall be there before the day for the appearance of the witnesses.

§ 19.1-226. The clerk of the court which orders a change of venue shall certify copies of the recognizances aforesaid and of the record of the case to the clerk of the court to which the case is removed, who shall thereupon issue a venire facias, directed to the officer of such court; and such court shall proceed with the case as if the prosecution had been originally therein; and for that purpose the certified copies aforesaid shall be sufficient.

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ARTICLE 5

PROCEEDINGS ON QUESTION OF INSANITY

§ 19.1-227. No person shall, while he is insane, be tried for a criminal offense; nor shall any person charged with a felony be committed to any hospital or other institution for the mentally ill except by order of the court of record, or judge thereof, which has, or would have upon certification and indictment, jurisdiction of the trial of the case.

§ 19.1-228. If, prior to the time for trial of any person charged with crime, either the court or attorney for the Commonwealth has reason to believe that such person is in such mental condition that his confinement in a hospital for the insane or a colony for the feeble-minded is necessary for proper care and observation, the court or the judge thereof may, after hearing evidence on the subject, commit such person, if a white person, to any State hospital for the insane best adapted to meet the needs of the case and, if a colored person, to the Central State Hospital, under such limitations as it may order, pending the determination of his mental condition. In any such case the court, in its discretion, may appoint one or more physicians skilled in the diagnosis of insanity, or other qualified physicians, and when any person is alleged to be feeble-minded may likewise appoint persons skilled in the diagnosis of feeble-mindedness, not to exceed three, to examine the defendant before such commitment is ordered, make such investigation of the case as they may deem necessary and report to the court the condition of the defendant at the time of their examination. A copy of the complaint or indictment, attested by the clerk, together with the report of the examining commission, including, as far as possible, a personal history, according to the form prescribed by the general board of directors of the State hospitals, shall be delivered with such person to the superintendent of the hospital to which he shall have been committed under the provisions of this section. As used in this section the term "court" shall be construed to include courts not of record and courts of record.

§ 19.1-229. If a court in which a person is held for trial see reasonable ground to doubt his sanity or mentality at the time at which, but for such a doubt, he would be tried, it shall suspend the trial and it may then proceed as prescribed in the foregoing section or it may impanel a jury at its bar to inquire into the fact as to the sanity or mentality of such person.

§ 19.1-230. If any such person so removed to the department for the criminal insane at the proper hospital is, in the opinion of the superintendent, not insane or feeble-minded, or when such person, if insane, has been restored to sanity, the superintendent shall give ten days' notice in writing to the clerk of the court from which such person was committed and shall send such person back to the jail or custody from which he was removed, where he shall be held in accordance with the terms of the process by which he was originally committed or confined.

§ 19.1-231. If the jury or commission find the accused to be sane at the time of their verdict, they shall make no other inquiry, and the trial in chief shall proceed. If the jury find that he is insane or feeble-minded at the time of their verdict, they shall further inquire whether or not he was insane or feeble-minded at the time of the alleged offense; if they find that he was also insane or feeble-minded at the time of the alleged offense the court may dismiss the prosecution and shall order him to be removed thence to the department of the criminal insane at the proper hospital, there to be detained until he is restored to sanity. If they find that he was not insane or feeble-minded at the time of the alleged offense, but is now insane or feeble-minded, the court shall order him to be confined in the department for criminal insane at the proper hospital until he is so restored that he can be put upon his trial.

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§ 19.1-232. The superintendent shall from time to time, or as often as the court may require, inform the court of the condition of such person while confined in the hospital.

§ 19.1-233. The experts or physicians skilled in the diagnosis of insanity or feeble-mindedness or the physicians appointed by the court to render the foregoing professional service shall be paid at the rate of fifteen dollars per diem and mileage during the attendance upon court in the trial of such cases. Itemized account of expense, duly sworn to, must be presented to the court, and when allowed shall be certified to the Comptroller for payment out of the State treasury, and be by him charged against the appropriation made to pay criminal charges. Allowance for the per diem authorized shall also be made by order of the court, duly certified to the Comptroller for payment out of the appropriation to pay criminal charges.

§ 19.1-234. If, after conviction and before sentence of any person, the court see reasonable ground to doubt his sanity or mentality, it may impanel a jury or appoint a commission of insanity to inquire into the fact as to his sanity or mentality and may sentence him or commit him to jail or to a hospital for the insane, according as the jury or commission may find him to be sane or insane or feeble-minded.

§ 19.1-235. If any person, after conviction of any crime, or while serving sentence in the State penitentiary, or any penal institution, or in any reformatory or elsewhere, is declared by a jury or commission of insanity to be insane or feeble-minded, he shall be committed by the court to the department for the criminal insane at the proper hospital, and there kept until he is restored to sanity; and the time such person is confined in the department for the criminal insane at the proper hospital shall be deducted from the term for which he was sentenced to such penal institution, reformatory or elsewhere.

§ 19.1-236. The sheriff or sergeant of the court by which any of the orders as provided for in §§ 19.1-228, 19.1-229, 19.1-231, 19.1-234 or 19.1-235 shall have been made, or the proper officer of the penitentiary or reformatory, shall immediately proceed in the manner directed by § 37-76 to ascertain whether a vacancy exists in the department for the criminal insane at the proper hospital and until it is ascertained that there is a vacancy such person shall be kept in the jail of such county or corporation, or in such custody as the court may order, or in the penitentiary, or in the reformatory in which he is confined, until there is room in the department for criminal insane at such hospital. Any person whose care and custody is herein provided for shall be taken to and from the hospital to which he was committed by an officer of the penal institution having custody of him, or by the sheriff or sergeant of the county or corporation whose court issued the order of commitment, and the expenses incurred in such removals shall be paid by such penal institution, county or corporation.

§ 19.1-237. When the superintendent of a State hospital for the insane shall give notice to the clerk of the court, in pursuance of § 37-93, such clerk shall issue a precept to the officer of the court, requiring him to bring the prisoner from the hospital and commit him to jail.

§ 19.1-238. When a prisoner is brought from a hospital and committed to jail or when it is found by a verdict of another jury that a prisoner, whose trial or sentence was suspended by reason of his being found to be insane or feeble-minded, has been restored, if already convicted, he shall be sentenced, and if not, the court shall proceed to try him as if no delay had occurred on account of his insanity or feeble-mindedness.

§ 19.1-239. When the defense is insanity or feeble-mindedness of the defendant at the time the offense was committed, the jury shall be instructed, if they acquit him on that ground, to state the fact with their

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verdict. If the jury so find the court shall thereupon if it deem his discharge dangerous to the public peace or safety, order him to be committed to one of the State hospitals for the insane and be confined there under special observation and custody until the superintendent of that hospital and the superintendent of any other State hospital or feeble-minded colony shall pronounce him sane and safe to be at large.

ARTICLE 6

CONDUCT OF THE TRIAL

§ 19.1-240. A person tried for felony shall be personally present during the trial. If when arraigned he will not plead or answer and does not confess his guilt the court shall have the plea of not guilty entered and the trial shall proceed as if the accused had put in that plea. But for the purposes of this section a motion for a continuance, whether made before or after arraignment, shall not be deemed to be part of the trial.

§ 19.1-241. In any case in which a person is charged with a felony and is not represented by counsel, the court, before accepting the plea of such person, shall by order entered of record appoint an attorney at law to represent him.

§ 19.1-242. The defendant in any criminal prosecution may plead as many several matters, whether of law or fact, as he shall think necessary, and he may file pleas in bar at the same time with pleas in abatement, or within a reasonable time thereafter; but the issues on the pleas in abatement shall be first tried.

§ 19.1-243. There shall be no plea of benefit of clergy, nor any distinction between murder and petit treason; but the last mentioned offense shall be punished as murder.

§ 19.1-244. Approvers shall not be admitted in any case.

§ 19.1-245. On the trial of any case of felony or misdemeanor and before any evidence is submitted on either side counsel for the Commonwealth and for the prisoner, respectively, shall have the right to make an opening statement of their case.

§ 19.1-246. In the trial of all criminal cases, whether the same be felony or misdemeanor cases, the court may, in its discretion, exclude from the trial any or all persons whose presence is not deemed necessary.

ARTICLE 7

PROOF; VERDICTS; SENTENCES

§ 19.1-247. In a prosecution for an offense committed upon, relating to or affecting real estate, or for stealing, embezzling, destroying, injuring or fraudulently receiving or concealing any personal estate it shall be sufficient to prove that when the offense was committed the actual or constructive possession, or a general or special property, in the whole or any part of such estate was in the person or community alleged in the indictment or other accusation to be the owner thereof.

§ 19.1-248. No person shall be convicted of felony, unless by his confession of guilt in court, or by his plea, or by the verdict of a jury, accepted and recorded by the court, or by judgment of the court trying the case without a jury according to law.

§ 19.1-249. If a person indicted of a felony be by the jury acquitted of part of the offense charged, he shall be sentenced for such part as he is so convicted of, if the same be substantially charged in the indictment, whether it be felony or misdemeanor. If the verdict be set aside and a new trial granted the accused, he shall not be tried for any higher offense than that of which he was convicted on the last trial.

§ 19.1-250. If a person indicted for murder be found by the jury

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guilty thereof, they shall in their verdict fix the degree thereof and ascertain the extent of the punishment to be inflicted within the bounds prescribed by §§ 18.1-22 and 18.1-23. If the accused confess the indictment to be true, the court shall hear the case without the intervention of a jury, and shall ascertain the extent of the punishment within the same bounds and give sentence accordingly.

§ 19.1-251. On any indictment for maliciously shooting, stabbing, cutting or wounding a person or by any means causing him bodily injury, with intent to maim, disfigure, disable or kill him, the jury or the court trying the case without a jury may find the accused not guilty of the offense charged but guilty of unlawfully doing such act with the intent aforesaid.

§ 19.1-252. In a prosecution for grand larceny, if it be found that the thing stolen is of less value than fifty dollars, the jury may find the accused guilty of petit larceny.

§ 19.1-253. In a prosecution for petit larceny, though the thing stolen be of the value of fifty dollars or more, the jury may find the accused guilty; and upon a conviction under this or the preceding section the accused shall be sentenced for petit larceny.

§ 19.1-254. On an indictment for felony the jury may find the accused not guilty of the felony but guilty of an attempt to commit such felony, or of being an accessory after the fact; and a general verdict of not guilty, upon such indictment, shall be a bar to a subsequent prosecution for an attempt to commit such felony, or of being an accessory after the fact.

§ 19.1-255. When there are several counts in the indictment one or more of which are faulty, the accused may demur to the faulty count or counts or move the court to instruct the jury to disregard them. If he does neither and a general verdict of guilty is found, judgment shall be entered against the accused, if any count be good, though others be faulty, unless the court can plainly see that the verdict could not have been found on the good count. If the accused demurs to the faulty count or moves the court to instruct the jury to disregard it and his demurrer or motion is overruled and there is a general verdict of guilty and it cannot be seen on which count the verdict was founded, if the jury has been discharged, it shall be set aside; but if it is manifest that it could not have been found on the bad count, the verdict shall be allowed to stand.

§ 19.1-256. When two or more persons are charged and tried jointly, the jury may render a verdict as to any of them as to whom they agree. Thereupon judgment shall be entered according to the verdict; and as to the others the case shall be tried by another jury.

§ 19.1-257. A person acquitted by the jury upon the facts and merits on a former trial, may plead such acquittal in bar of a second prosecution for the same offense, notwithstanding any defect in the form or substance of the indictment or accusation on which he was acquitted, unless the case be for a violation of the law relating to the State revenue and the acquittal be reversed on a writ of error on behalf of the Commonwealth.

§ 19.1-258. A person acquitted of an offense on the ground of a variance between the allegations and the proof of the indictment or other accusation, or upon an exception to the form or substance thereof, may be arraigned again on a new indictment or other proper accusation, and tried and convicted for the same offense, notwithstanding such former acquittal.

§ 19.1-259. If the same act be a violation of two or more statutes, or of two or more ordinances, or of one or more statutes and also one or more ordinances, conviction under one of such statutes or ordinances shall be a bar to a prosecution or proceeding under the other or others. Furthermore, if the same act be a violation of both a State and a federal statute a prose-

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cution or proceeding under the federal statute shall be a bar to a prosecution or proceeding under the State statute.

§ 19.1-260. The clerk of the circuit court of each county and of the circuit, corporation, or hustings court of each corporation shall keep a register of full and accurate descriptive lists of every person convicted in his own court of felony or other infamous offense. Such register shall be kept written up, well indexed. Each list shall be duly attested by such clerk, and the same shall be open to public inspection at all reasonable hours; provided, however, that in cities which have both a circuit and a corporation court such register shall be kept by the clerk of the corporation court only, but the clerk of the circuit court shall, within ten days from the date of conviction of any person in his court of any felony or other infamous offense, deliver to the clerk of the corporation court for record in such register an attested descriptive list of the persons so convicted in the form herein prescribed. For the service mentioned in this section the clerks shall each be entitled to a fee of fifty cents, to be paid out of the State treasury.

Whenever directed so to do by the judge of any court in which the case has been tried the sheriff, sergeant, or chief of police of such county or corporation shall cause to be taken the photograph with the records of the case; provided, however, that the costs of taking such photograph shall not be paid out of the State treasury.

A duly certified and attested copy of such descriptive list and such photograph may be used as prima facie evidence of the facts therein stated or shown in any question of identity.

Such register shall be in the following form:

Name in full and aliases.	Present and last known residence.	Color.	Height, eyes, hair, and marks.	Apparent or known age.	Occupation.	Offenses.	Court in which convicted.	Date of conviction and page of record.	Whether judgment reversed and pardon granted, and date thereof.

§ 19.1-261. The judges of the respective courts shall take care that the provisions of the preceding section are punctually and properly carried out by their respective clerks.

CHAPTER 10

WITNESSES

ARTICLE 1

IN GENERAL

§ 19.1-262. §§ 8-294 to 8-296, inclusive, shall apply to a criminal as well as a civil case in all respects, except that a witness in a criminal case shall be obliged to attend, and may be proceeded against for failing to do so, although there may not previously have been any payment, or tender to him of anything, for attendance, mileage, or tolls.

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§ 19.1-263. In a criminal case a summons for a witness may be issued by the attorney for the Commonwealth.

§ 19.1-264. In any case of felony or misdemeanor, the accused may be sworn and examined in his own behalf, and if so sworn and examined, he shall be deemed to have waived his privilege of not giving evidence against himself, and shall be subject to cross-examination as any other witness; but his failure to testify shall create no presumption against him, nor be the subject of any comment before the court or jury by the prosecuting attorney.

§ 19.1-265. Conviction of felony or perjury shall not render the convict incompetent to testify, but the fact of conviction may be shown in evidence to affect his credit.

§ 19.1-266. No person prosecuted for an offense under Article 2 of Chapter 6 of Title 18.1 shall be competent to testify against a witness for the Commonwealth in such prosecution, touching any such offense committed by him prior to the commencement of such prosecution; nor shall any witness giving evidence, either before the grand jury or the court in such prosecution, be ever proceeded against for any such offense committed by him at the time and place indicated in such prosecution; but such witness shall be compelled to testify, and for refusing to answer questions, may be fined by the court a sum not exceeding five hundred dollars, and be imprisoned for a term not exceeding six months.

§ 19.1-267. In a criminal prosecution, other than for perjury, or in an action on a penal statute, evidence shall not be given against the accused of any statement made by him as a witness upon a legal examination, unless such statement was made when examined as a witness in his own behalf. No judge or police justice shall be competent to testify against the accused in a court of record as to statements made by the accused on his trial by judge or police justice or on his preliminary examination before such judge or police justice.

§ 19.1-268. No judge or justice of any court, or clerk of either, or justice of the peace, or other person having the power to issue warrants or try cases shall be competent to testify in any criminal or civil proceeding, except proceedings wherein the defendant is charged with perjury, as to any matter which shall have come before him in the course of his official duties as such issuing or trying officer.

ARTICLE 2

WITNESSES FROM OR FOR ANOTHER STATE

§ 19.1-269. "Witness" as used in this article shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "State" shall include any Territory of the United States and the District of Columbia.

The word "summons" shall include a subpoena, order or other notice requiring the appearance of a witness.

§ 19.1-270. If a judge of a court of record in any state which by its laws has made provisions for commanding persons within that state to attend and testify in this State certifies under the seal of such court (1) that there is a criminal prosecution pending in such court or that a grand jury investigation has commenced or is about to commence, (2) that a person being within this State is a material witness in such prosecution or grand jury investigation and (3) that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county or city in which such person is, such

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person shall fix a time and place for hearing and shall make an order directing the witness to appear at a time and place certain for the hearing.

§ 19.1-271. If at such hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or grand jury investigation in the other state and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence (and of any other state through which the witness may be required to pass by ordinary course of travel) will give to him protection from arrest and the service of civil and criminal process, the judge shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

§ 19.1-272. If the certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for the hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability, may, in lieu of issuing subpoena or summons, order that the witness be forthwith taken into custody and delivered to an officer of the requesting state.

§ 19.1-273. If the witness who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.

§ 19.1-274. If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations commenced or about to commence in this State is a material witness in a prosecution pending in a court of record in this State, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

§ 19.1-275. If the witness is summoned to attend and testify in this State he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court.

The judge issuing the certificate prescribed in § 19.1-274 may, by order, direct the clerk of the court involved to issue such warrant or war-

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rants payable out of the State treasury, as may be necessary to make the tender hereinabove prescribed; and after the entry of such order, such clerk, upon application of the attorney for the Commonwealth of the county or city involved, or of the accused, if certificate for the attendance of witness has been issued by such judge on his behalf as authorized by § 19.1-313, shall issue such warrant or warrants and deliver them to the said attorney for the Commonwealth, who shall, forthwith, cause such tender to be made. Upon issuance of any such warrant or warrants said clerk shall deliver a certified copy of the court's order to the Comptroller, and the said warrant or warrants shall be paid out of the State treasury upon presentation.

Unless and until appropriate forms shall be obtained, such warrants may be issued on the regular forms provided for the payment of witness fees and allowances, but in such event the clerk issuing the same shall make a notation thereon that they were issued pursuant to the provisions of this section.

§ 19.1-276. If such witness, after coming into this State, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.

§ 19.1-277. If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not while in this State pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons.

If a person passes through this State while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this State be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons.

§ 19.1-278. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

§ 19.1-279. This article may be cited as the "Uniform Act to Secure the Attendance of Witnesses from without a State in Criminal Proceedings".

CHAPTER 11

EXCEPTIONS AND WRITS OF ERROR

§ 19.1-280. A party in a criminal case, or proceeding for contempt, for whom a writ of error lies in the Supreme Court of Appeals, may except to an opinion of the court and tender a bill of exceptions, which, if the truth of the case be fairly stated therein, the judge shall sign; and it shall be a part of the record of the case.

§ 19.1-281. If a person sentenced by a circuit or corporation court to death or confinement in the penitentiary asks for time to apply for a writ of error, the court shall postpone the execution of its sentence for such time as it may deem proper.

In any other criminal case wherein judgment is given by any court and in any case of judgment for a contempt, to which a writ of error lies, the court giving such judgment may postpone the execution thereof for such time and on such terms as it deems proper. And in any case after conviction if the sentence, or the execution thereof, is suspended in accordance with this section, or for any other cause, the court, or the judge thereof in vacation, may, and in any case of a misdemeanor shall, let the prisoner to bail in such penalty and for appearance at such time as the

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nature of the case may require. A writ of error from the Supreme Court of Appeals shall lie to any such judgment refusing bail or requiring excessive bail.

§ 19.1-282. A writ of error shall lie in a criminal case to the judgment of a circuit court or the judge thereof, or of a corporation court, or of a hustings court, from the Supreme Court of Appeals. It shall lie in any such case for the accused and if the case be for the violation of any law relating to the State revenue it shall lie also for the Commonwealth. And a writ of error shall also lie for any city or town from the Supreme Court of Appeals to the judgment of any circuit, corporation or hustings court declaring any ordinance of such city or town to be unconstitutional or otherwise invalid, except when the violation of any such ordinance is made a misdemeanor by State statute.

§ 19.1-283. To a judgment for a contempt of court a writ of error shall lie from the Supreme Court of Appeals. This section shall also be construed to authorize a writ of error to a judgment of a circuit court rendered on appeal from a judgment of a court not of record or justice of the peace for contempt.

§ 19.1-284. Any party for whom a writ of error lies may apply therefor on petition, which shall assign errors. With the petition there shall be a transcript of record of so much of the case wherein the judgment complained of is as will enable the Court or judge to whom the petition is to be presented properly to decide on such petition, and enable the Court, if the petition be granted, properly to decide the questions that may arise before it. Upon a suggestion of a diminution of the record a writ of certiorari may be awarded by the Court or judge in vacation.

§ 19.1-285. The petition in a case wherein a writ of error lies from the Supreme Court of Appeals may be presented to the Court or, in the vacation of the Court, to any judge thereof.

§ 19.1-286. The Court or any judge to whom a petition is duly presented, if of opinion that the judgment complained of ought to be reviewed, may allow a writ of error, which may operate as a supersedeas thereto if the Court or judge awarding it so direct, on such terms and conditions as the Court or judge may prescribe.

§ 19.1-287. The denial of a writ of error by a judge of the Supreme Court of Appeals, in the vacation of the Court on petition presented to him, shall not prevent the allowance of the writ by the Court, if by it deemed proper, on presentation of the petition to the Court at its next term.

§ 19.1-288. The court from which a writ of error lies shall affirm the judgment, if there be no error therein, and reverse the same in whole or in part, if erroneous, and enter such judgment as the court whose error is sought to be corrected ought to have entered; or remand the cause and direct a new trial; affirming in those cases where the voices on both sides are equal.

§ 19.1-289. §§ 8-482, 8-497.1, 8-499, 8-500 and 14-129 shall apply as well to criminal cases as to civil cases; provided, that in a felony case in the Supreme Court of Appeals, if the plaintiff in error file with the clerk of the Court an affidavit that he is unable to pay or secure to be paid the costs of printing the record in the case, together with a certificate of the judge of the trial court to the effect that he has investigated the matter and is of opinion that the plaintiff in error is unable to pay, or secure to be paid, such costs, the printing shall be done as if the costs had been paid and the clerk shall not be required to account for and pay the same into the State treasury; but if the costs be not paid or secured to be paid and upon the hearing of the case the judgment of the court below be

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wholly affirmed by the Supreme Court of Appeals, the Court in affirming shall also give judgment in behalf of the Commonwealth against the plaintiff in error for the amount of the costs to be taxed by its clerk.

§ 19.1-290. The judgment of the Supreme Court of Appeals shall be certified to the court to whose judgment the writ of error was allowed, which court, or the clerk thereof in vacation, shall cause the same to be entered on its order book as its own judgment.

§ 19.1-290.1. Nothing in this chapter shall be deemed to affect in any way the provisions of §§ 8-1.1 and 8-1.2 of the Code of Virginia or to amend, modify or supersede any rule or amendment thereto adopted by the Supreme Court of Appeals of Virginia pursuant to such sections.

CHAPTER 12

PUNISHMENT AND EXECUTION OF SENTENCE

§ 19.1-291. The punishment in all criminal cases tried by a jury shall be ascertained by the jury trying the same within the limits prescribed by law.

§ 19.1-292. The term of confinement in the penitentiary or in jail of a person convicted of felony, if that punishment is prescribed, and the amount of the fine, if the felony be also punishable by fine, shall be ascertained by the jury, if there be one, or by the court trying the case without a jury, so far as the term of confinement and the amount of the fine are not fixed by law.

§ 19.1-293. When a person is convicted of petit larceny, and it is alleged in the indictment on which he is convicted, and admitted, or found by the jury or judge before whom he is tried, that he has been before sentenced in the United States for the like offense, he shall be confined in jail not less than thirty days nor more than one year; and for a third, or any subsequent offense, he shall be confined in the penitentiary not less than one nor more than two years.

§ 19.1-294. When any person is convicted of two or more offenses, and sentenced to confinement, such sentences shall not run concurrently, unless expressly ordered by the court.

§ 19.1-295. When any person is convicted of a combination of felony and misdemeanor offenses and sentenced to confinement therefor, in determining the sequence of confinement, the felony sentence and commitment shall take precedence and such person shall first be committed to serve the felony sentence.

§ 19.1-296. Every person sentenced by a court to confinement in the penitentiary shall, as soon as may be, be conveyed to the penitentiary in the manner hereinafter provided. The clerk of the court in which the person is sentenced shall forthwith transmit to the superintendent of the penitentiary a copy of the judgment and if he fail to do so he shall forfeit one hundred dollars. Upon receiving such copy the superintendent of the penitentiary shall dispatch a guard to the county or corporation with a warrant directed to the sheriff authorizing him to deliver the convict, whose duty it shall be to take charge of the person and convey him to the penitentiary. If because of the number of persons to be conveyed to the penitentiary or because there is reason to apprehend an attempt to rescue, the superintendent shall deem it necessary he may dispatch more than one guard and make provision for the employment by the guard of persons to assist him in the performance of his duty. The superintendent shall be entitled to receive from the State Corporation Commission such certificates of transportation as he may require in executing the provisions of this section, and other expenses incurred by him in the execution thereof he shall pay, the same to be allowed him in the settlement of his accounts;

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provided, that the superintendent may in any proper case require the sheriff of any county or the sergeant of any corporation to deliver such convict at a railway station designated by the superintendent, to be there delivered to his authorized agent, and for such services the court of such county or corporation shall allow the sheriff or sergeant a reasonable compensation, to be paid out of the State treasury.

§ 19.1-297. The Governor shall not grant a pardon in any case before conviction. In any case in which he shall exercise the power conferred on him to commute capital punishment, he may issue his order to the superintendent of the penitentiary, requiring him to receive and confine (and the superintendent shall receive and confine) in the penitentiary, according to such order, the person whose punishment is commuted. To carry into effect any commutation of punishment, the Governor may issue his warrant directed to any proper officer; and the same shall be obeyed and executed.

§ 19.1-298. Omitted.

§ 19.1-299. Upon a conviction in a court of record of the charge of larceny, forgery or uttering or attempting to employ as true such forged writing, knowing it to be forged, the court may, in its discretion, suspend sentence during the good behavior of the person convicted, provided that he has not been previously convicted of a like offense or any felony.

§ 19.1-300. Any court having jurisdiction for the trial of a person charged with a misdemeanor or charged with an offense under chapter 5 (§ 20-61 et seq.) of Title 20 of the Code of Virginia may, if defendant is convicted, and if it is made to appear to the court that in the event of his being sentenced to confinement in jail his dependents may become public charges, may provide in the sentence for the release of such person from confinement on the days he is regularly employed under the supervision of a probation officer or such other suitable person as the court may designate, and under such conditions as it may fix, and require such person to pay such portion of any money earned by him as the court may determine to the court to be used for the support and maintenance of dependents and payment of fines, if any.

§ 19.1-301. Sentence of death, except for insurrection or rebellion, shall not be executed sooner than thirty days after the sentence is pronounced.

§ 19.1-302. The superintendent of the state penitentiary, at Richmond, is hereby authorized and directed to provide and maintain a permanent death chamber within the confines of the penitentiary. The death chamber shall have all the necessary appliances for the proper execution of felons by electrocution. In the death chamber shall be executed all felons upon whom the death penalty has been imposed. Each execution shall be conducted by the superintendent or some assistant or assistants designated by him.

§ 19.1-303. The clerk of the court in which is pronounced the sentence of death against any felon shall, as soon as may be, after such sentence, deliver a certified copy thereof to the superintendent of the penitentiary at Richmond. As soon as practicable thereafter and not less than fifteen days before the time fixed, in the judgment of the court, for the execution of the sentence, the superintendent of the penitentiary shall cause to be conveyed to the penitentiary such condemned felon in the manner now prescribed by law for the conveyance of felons sentenced to confinement in the penitentiary, and the superintendent, in his discretion, may appoint more than one guard to convey the condemned felon, and the expenses of such guard or guards shall be paid in the manner and under the requirements now prescribed by law for the conveyance of convicts to

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the penitentiary. The superintendent, or the assistants appointed by him, shall, at the time named in the sentence, cause the felon under sentence of death to be electrocuted until he is dead unless a suspension of execution be ordered. At the execution there shall be present the superintendent, or an assistant, the surgeon of the penitentiary or his assistant, and a number of respectable citizens numbering not less than six nor more than twelve. The counsel for the convict and a minister of the Gospel may be present.

§ 19.1-304. The superintendent shall certify the fact of the execution of the condemned felon to the clerk of the court by which such sentence was pronounced, who shall file such certificate with the papers of the case and enter the same upon the records of the case.

§ 19.1-305. Whenever the day fixed for the execution of a sentence of death shall have passed without the execution of such sentence and it shall have become necessary to fix a new date therefor, the court which pronounced such sentence, or the judge thereof in vacation, shall fix another day for such execution. The person to be executed need not be present when such other date is fixed, but a copy of the order fixing the new date of execution shall be promptly furnished by the clerk of the court making the order to the officer in whose custody the person to be executed is, and such officer shall deliver a copy of the order to the person to be executed and, if he is unable to read it, explain it to him, at least ten days before the date fixed for such execution, and make return thereof to the clerk of the court which issued same.

When the day fixed for the execution of a sentence of death has passed without the execution of such sentence by reason of a reprieve granted by the Governor, it shall not be necessary for the court to resentence the convict, but the sentence of death of the court shall be executed on the day to which the convict has been reprieved.

§ 19.1-306. Should the condemned felon, while in the custody of the superintendent of the penitentiary, be granted a reprieve by the Governor, or obtain a writ of error from the Supreme Court of Appeals, or should the execution of the sentence be stayed by any competent judicial proceeding, notice of such reprieve or such writ of error or stay of execution shall be served upon the superintendent of the penitentiary, as well as upon the condemned felon, and the superintendent shall yield obedience to the same. In any subsequent proceeding the mandate of the court having regard to the condemned felon shall be served upon the superintendent of the penitentiary as well as the felon. Should the felon be resentenced by the court then the proceedings shall be as hereinabove provided under the original sentence. Should a new trial be granted such condemned felon after he has been conveyed to the penitentiary, then he shall be conveyed back to the place of trial by such guard or guards as the superintendent may direct, their expenses to be paid as is now provided by law for the conveyance of convicts to the penitentiary.

§ 19.1-306.1. No newspaper or person shall print or publish the details of the execution of criminals. Only the fact that the criminal was executed shall be printed or published.

§ 19.1-307. Upon application of the relatives of the person executed the body after execution shall be returned to their address and at their cost

CHAPTER 13

TAXATION AND ALLOWANCE OF COSTS

§ 19.1-308. Whenever in the discretion of the court it is necessary for the safekeeping of a prisoner under charge of, or sentence for, crime, whether the prisoner be in jail, hospital, court or elsewhere, the court

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may order the jailer to summon a sufficient guard, and whenever ordered by the court to do so, the sheriff of any county or city sergeant of any city shall summon or employ temporarily such person or persons as may be needed to preserve proper order or otherwise to aid the court in its proper operation and functioning, and for such guard or other service the court may allow therefor so much as it deems proper, not exceeding ten dollars per day for each man, the same to be paid out of the State treasury, except when payment for such guard is otherwise provided under the provisions of § 19.1-309 of the Code of Virginia.

§ 19.1-309. The circuit or corporation court, before certifying any such allowance, shall inquire into the condition of the jail; if it appear that a guard was necessary because of the insecurity of the jail, it shall order the allowance to be certified to the board of supervisors or other governing body of the county or council of the corporation and it shall be chargeable to such county or corporation; but if otherwise, and the guard was necessary, the allowance shall be certified for payment out of the State treasury.

§ 19.1-310. A court may appoint a physician to attend prisoners in its jail and make him a reasonable allowance, not exceeding seventy-five cents per day for each day he attends a patient. When he attends more than one patient a day there may be allowed fifty cents per day for each additional patient. The governing body of any county or city may, in its discretion, supplement such allowance to the extent of two dollars and twenty-five cents per day for the first patient attended on any day. It may also make an allowance, not to exceed twenty-five dollars, as compensation to any physician or analytical chemist for making an analysis to discover poison in any criminal case. Allowances under this section, except the supplemental allowance herein provided for, shall be paid out of the State treasury, except that no allowance shall be made or paid for medicines furnished such prisoner unless the account therefor is certified by the physician for the jail to be correct. When any supplemental allowance is made by the governing body of any county such supplemental allowance shall be paid out of the county treasury, and when clothing is obtained for prisoners worked in the chain gang of any county, city or town, such clothing shall be paid for out of the treasury of such county, city or town.

§ 19.1-311. No compensation shall be allowed hospitals for the treatment of prisoners unless application shall have been made to the superintendent of the penitentiary, or to the superintendent of the State farm, for the admission of prisoners to the hospital wards of such institutions and such applications shall have been refused, unless the disease, wound or accident, from which the prisoner is suffering is of such an emergency kind that immediate treatment in the hospital is necessary, and then only such amounts shall be allowed to the hospitals as shall have been incurred before it is practicable to remove the prisoner from the hospital to one of the institutions above mentioned.

§ 19.1-312. §§ 14-187 to 14-191 inclusive, shall apply to a person attending as a witness, under a recognizance or summons in a criminal case, as well as to a person attending under a summons in a civil case, except that in a criminal case a witness who travels over fifty miles to the place of attendance shall have for each day's attendance one dollar, instead of fifty cents; and a person residing out of this State, who attends a court therein as a witness, shall be allowed by the court a proper compensation for attendance and travel to and from the place of his abode, the amount of the same to be fixed by the court.

§ 19.1-313. Any witness from without the State whose attendance is compelled under the provisions of chapter 10, article 2 of this title shall

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be deemed to render a service within the meaning of § 19.1-315 and the compensation and expenses of such witness, whether on behalf of the Commonwealth or the accused, may be paid out of the State treasury in accordance with the provisions of such section. But the compensation and expenses of any witness summoned on behalf of an accused shall not be certified to the State treasury as a compensation under such section except in cases when the court or judge thereof is satisfied that the defendant is without means to pay same and is unable to provide the costs incident thereto.

§ 19.1-314. Payment shall not be made out of the State treasury to a witness attending for the Commonwealth in any prosecution for a misdemeanor unless it appears that the sum to which the witness is entitled cannot be obtained:

(1) If it be a case wherein there is a prosecutor and the defendant is convicted, by reason of the insolvency of the defendant, or

(2) If it be a case in which there is no prosecutor, by reason of the acquittal or insolvency of the defendant or other cause.

§ 19.1-315. A sheriff or other officer, for traveling out of his county or corporation but within the State to execute process in a criminal case and doing any act in the service thereof, for which no other compensation is provided, shall receive therefor, out of the State treasury, such compensation as the court from which the process issued may certify to be reasonable. When in a criminal case an officer or any person renders any other service in the State for which no specific compensation is provided, the court in which such case is may allow therefor what it deems reasonable and such allowance shall be paid out of the State treasury from the appropriation for criminal charges on the certificate of the court stating the nature of the service. This section shall not prevent any payment under § 2-199, which could have been made if this section had not been enacted.

But the amount of compensation to officers for execution of process outside of the respective counties of such officers shall not exceed the fees or allowances now provided by law for the execution of process within the county including the provision for the allowance of mileage for officers and prisoners within a county. Not more than eight cents per mile shall be allowed for officers using automobiles for travel, irrespective of the number of guards or prisoners conveyed in such automobiles.

This section shall not be construed to authorize the payment of any additional compensation to a sheriff or other officer who is compensated for his services by a salary exclusively.

§ 19.1-316. No fee to an attorney for the Commonwealth shall be payable out of the State treasury, unless it be expressly so provided.

§ 19.1-317. The certificate required by § 14-96, shall, when the payment is to be to a clerk, be from the court whereof he is clerk, and when it is to be to a sheriff or other officer, from the court in which the prosecution is, or to which a judge of a court not of record shall certify such expense, as hereinafter mentioned. Any other expense incident to a proceeding in a criminal case which is payable out of the State treasury otherwise than under §§ 2-199, 19.1-311, 19.1-313 or 19.1-315 shall be certified by the court. If it be a judge of a court not of record exercising jurisdiction, it shall be certified by such judge to the circuit or corporation court before which he qualified, which court shall certify the same, if it appears to be correct, to the Comptroller. With the certificate of allowance there shall be transmitted to the Comptroller the vouchers on which it is made. The court, in passing upon any account for fees or expenses required to be certified by it under this section, before certifying the

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account, may, in its discretion, require proof of the correctness of any item thereof, notwithstanding the affidavit of the party in whose favor such account is. In all cases the judge of a court not of record shall file with his account a copy of the warrant on which his proceedings were had.

§ 19.1-318. The entry of such certificate of allowance shall state how much thereof is on account of each person prosecuted.

§ 19.1-319. A judge of a court not of record or justice of the peace before whom there is any proceeding in a criminal case shall certify to the clerk of the circuit court of his county or the corporation court of his city, and a judge or court before whom there is, in a criminal case, any proceeding preliminary to conviction in another court, upon receiving information of the conviction from the clerk of the court wherein it is, shall certify to such clerk all the expenses incident to such proceedings which are payable out of the State treasury.

§ 19.1-320. In every criminal case the clerk of the circuit or corporation court in which the accused is convicted, or, if the conviction be before a court not of record, the clerk to which the judge thereof certifies as aforesaid, shall, as soon as may be, make up a statement of all the expenses incident to the prosecution, including such as are certified under the preceding section, and execution for the amount of such expenses shall be issued and proceeded with; and chapter 14 of this title shall apply thereto in like manner as if, on the day of completing the statement, there was a judgment in such court in favor of the Commonwealth against the accused for such amount as a fine.

§ 19.1-321. If by reason of the failure of a person to present his claim in due time a sum be not included in such execution which would have been included if so presented, such claim, unless there be good cause for the failure, shall be disallowed.

§ 19.1-322. (1) Notwithstanding any provision of any charter or any law to the contrary, any town may provide that any person convicted of violating any ordinance of the town may be charged, in addition to all other costs, fines, fees and charges, the costs of transporting such person so convicted to and from a jail or other penal institution outside the corporate limits of such town designated by the town as a place of confinement for persons arrested for violating the ordinances of the town and required to be held in jail pending trial upon such charge. The cost of such transportation shall be taxed as a part of the costs payable by persons convicted of violating such ordinances and the costs shall be taxed in accordance with the schedules provided in §§ 14-116 and 14-122 of the Code of Virginia.

(2) No officer transporting any person convicted of violating any ordinance of the town, as provided in subsection (1) hereof, shall charge or be paid, nor shall such town receive directly or indirectly, more than the cost of transporting such person when more than one person is transported.

CHAPTER 14

RECOVERY OF FINES

ARTICLE 1

PROCEEDINGS TO RECOVER FINES; DEFINITION

§ 19.1-323. Wherever the word "fine" is used in this chapter it shall be construed to include pecuniary forfeiture, penalty, and amercement.

§ 19.1-324. When any statute imposes a fine, unless it be otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be to the Commonwealth and recoverable

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by presentment, indictment, or information. When a fine without corporal punishment is prescribed, the same may be recovered, if limited to an amount not exceeding twenty dollars, by warrant, and if not so limited, by motion for judgment under the Rules of Court. The proceedings shall be in the name of the Commonwealth. No action, suit or proceeding of any nature, however, shall be brought or had for the recovery of a fine or costs due the Commonwealth or any political subdivision thereof, unless within twenty years from the date of the judgment imposing the fine.

§ 19.1-325. Such presentment, indictment or information shall be in the county or city wherein the offense was committed. Such warrant, action or motion may be either in the county or city wherein the offense was committed, or the delinquency occurred, or wherein the offender or delinquent resides or may be found; and such action or motion may be in the circuit court of the county, or the circuit or corporation court of the city.

§ 19.1-326. Any action or motion under this chapter or under Chapter 35 of Title 8 or Chapter 8 of Title 41 or Chapter 21 of Title 58 or § 2-62 against the Secretary of the Commonwealth, commissioner of the revenue, clerk, notary, treasurer, sheriff or collector, or the sureties of any of them, or against any officer or agent of a bank or joint stock company, may also be instituted or made, by the Comptroller, in the Circuit Court of the City of Richmond, after fifteen days' notice in the case of such motion.

§ 19.1-327. In every such action or motion except where the recovery is limited to an amount not exceeding twenty dollars and upon every presentment, indictment or information, a jury shall be impaneled to try the facts, if an issue of fact be made by the pleadings or if a jury be demanded by the defendant. In every case wherein a jury is so impaneled they shall ascertain the amount of the fine, unless it be fixed by law. Judgment shall be entered for the amount so ascertained.

ARTICLE 2

JAIL SENTENCES IN CONNECTION WITH FINES

§ 19.1-328. If a person sentenced to be confined in jail a certain time and afterwards until he pay a fine and costs of prosecution, fail to pay such fine and costs before the end of such term, he shall continue in confinement until the same be paid or his discharge be ordered by the court, or the judge thereof in vacation, or he be released by reason of the expiration of the limitation for such confinement prescribed by law.

§ 19.1-329. If any person be sentenced to confinement in jail until he pay a fine and the costs of prosecution, or be confined in jail under a capias pro fine, the sheriff of the county or the sergeant of the corporation in whose jail he is confined, may, with the assent in writing of the prisoner, hire him for such length of time, not exceeding three months, as may be agreed on, to any person who will agree to pay the whole fine and costs.

§ 19.1-330. The officer shall take from the hirer an obligation to the Commonwealth, with surety, for the payment of the fine and costs, and return the same forthwith to the clerk's office of the circuit court of the county or corporation court of the city in whose jail the prisoner is confined. The clerk shall endorse on the obligation the date of its return and from the time it is returned it shall have the force and effect of a judgment, but no execution shall issue thereon until after motion upon notice to the obligors therein.

§ 19.1-331. If the prisoner refuse to comply with the contract of hiring, on the affidavit of the hirer a capias pro fine may issue, and the prisoner be remanded to jail. If the prisoner complies with his contract

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of hiring, he shall be discharged from further liability for the fine whether the hirer pays same or not.

§ 19.1-332. When a person is confined in jail by order of any court or judge until he pay a fine and the costs of prosecution, or the costs when there is no fine, or under a capias pro fine, on application to the circuit court of the county or corporation court of the city where confined, or to the judge thereof in vacation, such court, or judge in vacation, as the case may be, if to such court or judge it shall appear proper, may order the person to be released from imprisonment without the payment of the fine and costs, or costs when there is no fine, and he shall not thereafter be imprisoned for failure to pay the fine and costs or costs in that case. But the attorney for the Commonwealth of the county or city shall have five days' notice of such application.

§ 19.1-333. Whenever in any case a person is sentenced to jail to serve out a term of confinement and until he pays a fine and costs, or costs without fine, or fine without costs, and he has served the specific term of confinement, or whenever in any case a person is sentenced to jail until he pay a fine and costs, or costs without fine, or fine without costs, the circuit court of the county in which such judgment was pronounced, or the judge thereof in vacation, or the hustings or corporation court of the city exercising criminal jurisdiction in which such judgment was pronounced, or the judge thereof in vacation, may admit such defendant to bail for his appearance at a future day of such court, or before the judge thereof in vacation, taking surety therefor, the bail to contain a provision that the obligors agree and bind themselves, jointly and severally, to pay such fine and/or costs on the date for his appearance named in such bail, and in default of the payment of such fine and/or costs on the day named in such bail, then the court, or judge in vacation, may without notice to the obligors, enter judgment on such bond in favor of the Commonwealth of Virginia, or city or town if the fine and/or costs were imposed for a violation of a city or town ordinance, and direct that execution be issued thereon forthwith; or, in the discretion of such court or judge in vacation the defendant may be recommitted to jail there to be held until he pay such fine and/or costs or until he serve out the time required by law for the nonpayment of such fine and/or costs.

§ 19.1-334. If a person is confined in jail by order of any court or judge until his fine and costs, or costs when there is no fine, are paid, or under a capias pro fine, such confinement shall not exceed five days when the fine and costs, or costs when there is no fine, are less than five dollars, when less than ten dollars it shall not exceed ten days, when less than twenty-five dollars it shall not exceed fifteen days, when less than fifty dollars it shall not exceed thirty days, and in no case shall the confinement exceed two months. The jailer, upon commitment, shall note the amount of fine and costs, or costs when there is no fine, and the date of commitment, and shall, without further order or direction, release the defendant from jail promptly upon the expiration of the limitation above prescribed, and the defendant shall not thereafter be imprisoned for failure to pay the fine and costs, or costs, in that case; but nothing herein or in the preceding section shall prevent the issue of a writ of fieri facias after such release from jail.

ARTICLE 3

REPORTS, ETC., OF FINES AND COSTS

§ 19.1-335. Between the first and tenth day of each month every county court and every municipal court shall make return of the warrants in all criminal cases finally disposed of by such court in the preceding month. Every county court shall make such return to the clerk of the county, and every municipal court shall make such return to the clerk of

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the corporation court of the city, or if there be no corporation court, the circuit court of the city. Upon every such return shall be itemized the fine and costs, or costs, if there be no fine, imposed in each case, or other disposition thereof. Every such county court and municipal court shall, at the time of making said return, pay to the clerk to whom the return is made any fines and costs shown by the return to be due to the Commonwealth, for which the receiving clerk shall issue his receipt on the official form. When the judge of any county court or municipal court acquits the accused he shall certify the costs of the trial and to whom due; and if he returns judgment against the prosecutor for costs he shall so state.

§ 19.1-336. Upon receipt of the warrants under the preceding section, the clerk of the circuit or corporation court shall file and properly index the same and, when necessary, issue execution or other proper process upon those fines and costs, or costs, remaining unpaid as though such fines and costs had been imposed in his court.

§ 19.1-337. The clerk's fee for his services under the two preceding sections as related to Commonwealth cases shall be one dollar and twenty-five cents upon every such fine and costs, or costs, which fee shall be taxed and collected as a part of the costs in each case. In cases wherein the accused is acquitted, or wherein the costs are not collected from the accused in Commonwealth cases, the clerk's fee shall be twenty-five cents only, to be paid out of the State treasury on proper accounts. The clerk's fee for filing warrants and summonses for violations of local ordinances shall be taxed as a part of the costs and paid in conformity with § 14-132 of this Code.

ARTICLE 4

COLLECTION AND DISPOSITION OF FINES

§ 19.1-338. In any misdemeanor case tried before a court not of record in which a fine is imposed on a defendant, or in which the defendant is required to pay the costs and the same are not paid, the court may, in its discretion, take security for payment of such fine and costs, or for the costs alone when there is no fine, such payment to be made within thirty days from the day of trial. It shall be sufficient to bind such surety that the judge before whom such case is tried endorse on the warrant the name of the surety, the amount for which he is bound, and the date of the endorsement; but if no security is given, the defendant may be committed to jail until such fine and cost, or such costs alone, are paid. If security be given and payment is not made to the clerk of the court or other proper collecting officer, the clerk of the court shall issue execution against the person against whom the judgment is rendered as well as against the surety in the same manner as is provided by § 19.1-336; but in case the trial bond is not given as provided in this section, the judge may commit the defendant to jail until the fine and costs are paid, or until the costs are paid, when there is no fine, unless sooner discharged by due course of law.

§ 19.1-339. The circuit or corporation court in which any judgment for a fine is rendered, going, in whole or in part, to the Commonwealth, or for a fine going, in whole or in part, to any county, city or incorporated town upon appeal taken from the decision of a court not of record of such county, city or town, when the same is affirmed, in whole or in part, may, of its own motion or at the instance of the attorney for the Commonwealth, commit the defendant to jail until the fine and costs are paid or until the costs are paid when there is no fine; or the court or the judge thereof in vacation may direct the clerk to issue a capias pro fine either before or after the return of a writ of fieri facias. But, unless so directed, the clerk shall, immediately after the term is ended, issue a writ of fieri facias, returnable within ninety days, on every judgment for a fine rendered at

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such term, or the court may, for good cause shown, direct a writ of fieri facias to be issued during the term on any such judgment.

§ 19.1-340. If a writ of fieri facias be returned to the clerk's office from which it issued under the provisions of § 19.1-339, unsatisfied in whole or in part, the clerk shall, within five days after the next succeeding term of his court, issue a capias pro fine against the defendant, unless the court, at such term, for good cause, direct that such capias pro fine do not issue; and for any failure of the clerk to perform the duties imposed on him by this or the preceding section, he shall forfeit twenty dollars.

§ 19.1-341. Any writ of fieri facias or capias pro fine on a judgment for a fine may be directed to the sheriff or sergeant of any county or city, who shall be entitled to a commission of five per cent, on the amount collected to be paid by the defendant as other costs are paid.

§ 19.1-341.1. The attorney for the Commonwealth shall superintend the issuing of all executions or judgments for fines going wholly or in part to the Commonwealth in the circuit court of his county or the corporation and circuit court of his city.

§ 19.1-341.2. The clerk of the circuit court of every county and city and the clerk of the corporation court of every city having such court shall, on or before the thirtieth day of January and the thirtieth day of July of each year, submit to the judge of his court and to the attorney for the Commonwealth of his county or city a report of all fines, costs and forfeitures imposed in his court which remain unsatisfied as of the last day of the month preceding the month in which such report is made. And it shall be the duty of the attorney for the Commonwealth to make inquiries into the reasons why such fines, costs and forfeitures remain unsatisfied; and if it appears from such inquiries that any such fines, costs or forfeitures may be satisfied, the attorney for the Commonwealth forthwith shall cause proper proceedings to be instituted for the collection and satisfaction thereof.

§ 19.1-342. A constable or sheriff shall in no case receive any fine or costs imposed by a court not of record, except under process duly issued, but the same may be paid in to the court before he commits the defendant to jail in default of such payment.

§ 19.1-343. When a defendant has been committed to jail by a court for failure to pay a fine and the costs, he may pay the same to the clerk of the court of the county or city in whose jail he is confined.

§ 19.1-344. Although a law may allow an informer or person prosecuting to have part of a fine, the whole thereof shall go to the Commonwealth, unless the name of such informer or prosecutor be endorsed on, or written at the foot of, the presentment at the time it is made, or of the indictment before it is presented to the grand jury, or of the information before it is filed, or of the writ issued in the action, or the process on the warrant, or the notice of the motion before service of such writ, process, or notice.

§ 19.1-345. Every sheriff or other officer receiving money under a writ of fieri facias or capias pro fine shall pay the fine and all costs to the clerk of the court from which such process issued, on or before the return day of such process; and if such sheriff or other officer fail to pay the fine and costs, or fail to return such writ of fieri facias or capias pro fine, he shall, for every such failure, unless good cause be shown therefor, forfeit twenty dollars; and the clerk shall, within ten days from the return day of such process, report the failure to pay such fine and costs, or to return such process, to the attorney for the Commonwealth, who shall proceed at once against such officer in default to recover such fine and costs and the forfeiture aforesaid.

§ 19.1-346. The proceeds of all fines collected for offenses committed

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against the State, and directed by section one hundred and thirty-four of the Constitution of Virginia to be set apart as a part of a perpetual and permanent literary fund, shall be paid and collected only in lawful money of the United States, and shall be paid into the State treasury to the credit of the Literary Fund, and shall be used for no other purpose whatsoever.

§ 19.1-347. Any writ of fieri facias issued under this chapter and the proceedings on the same shall conform to the writ of fieri facias and proceedings thereon under Chapter 35 of Title 8.

ARTICLE 5

RECEIPTS FOR FINES

§ 19.1-348. Every officer collecting a fine, fine and costs or costs when no fine is imposed shall give an official receipt therefor to the person making the payment, and the clerk of the court shall use the official receipt in receipting to a court not of record for payments made to the clerk; and when the fine, fine and costs or costs are collected by executors, the clerk shall receipt to the officer making payment to him upon the official receipts.

§ 19.1-349. The Comptroller shall prepare forms of official receipts for fines and distribute them to the clerks of the circuit courts of the counties and cities having no corporation or hustings court and to the clerks of corporation or hustings courts of the cities, for their use and for the distribution to the courts not of record of their respective counties and cities.

The forms shall be as prescribed by the Comptroller. Each form shall be numbered and properly authenticated by the Comptroller. Each receipt form shall bear the date of issue, name of person to whom receipt is given, name of person making payment and amount paid, to be written by the officer to whom the payment is made. A record of the disposition of each receipt form shall be maintained as prescribed by the Comptroller.

Receipt forms shall be accompanied by instructions from the Comptroller for their use. A receipt in any other form shall not be valid against the Commonwealth.

§ 19.1-350. If any officer misuse, misappropriate, or wilfully fail to return or account for, a fine collected by him he shall be deemed guilty of embezzlement and shall be punished as for the embezzlement of public funds and the failure, without good cause, to produce or account for any receipt form received by him shall be prima facie evidence of his embezzlement of the amount represented thereby.

ARTICLE 6

RELIEF FROM FINES

§ 19.1-351. No court shall remit any fine, except for a contempt, which the court during the same term may remit either wholly or in part. This section shall not impair the judicial power of the court to set aside a verdict or judgment, or to grant a new trial.

§ 19.1-352. The Governor shall have power, in his discretion, to remit, in whole or in part, fine and penalties, in all cases of felony or misdemeanor, after conviction, whether paid into the State treasury or not, except when judgment shall have been rendered against any person for contempt of court, for nonperformance of or disobedience to some order, decree or judgment of such court, or when the fine or penalty has been imposed by the State Corporation Commission, or when the prosecution has been carried on by the House of Delegates. The Governor may, in his discretion, remit, refund or release, in whole or in part, any forfeited recognizance or any judgment rendered thereon, provided, in the opinion of the Gov-

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ernor, the evidence accompanying such application warrants the granting of the relief asked for. But the provisions of the three following sections and § 19.1-357 shall be complied with as a condition precedent to such action by the Governor; provided, that when the party against whom the fine has been imposed and judgment rendered therefor has departed this life leaving a widow and children surviving, the Governor may remit such fine upon the certificate of the judge of the circuit court of the county, or the city court of the city wherein such fine was imposed and judgment rendered, that to enforce the same against the estate, real or personal, of the decedent, would impose hardship upon his widow and children. In any case when the Governor remits, in whole or in part, a fine, if the same has been paid into the State treasury, on the order of the Governor such fine or so much thereof as is remitted shall be paid by the State Treasurer, on the warrant of the Comptroller, out of the fund into which the fine was paid.

§ 19.1-353. Such person or his personal representative, as the case may be, shall file a petition in the clerk's office of the circuit court of the county, or circuit or corporation court of the city, wherein such fine was imposed, or such liability established, at least fifteen days before the term of the court at which the same is to be heard, and shall set forth the grounds upon which relief is asked. Ten days' notice thereof in writing shall be given to the attorney for the Commonwealth of the county or city.

§ 19.1-354. The attorney for the Commonwealth, at or before the hearing of such petition, shall file an answer to the same. He shall cause to be summoned such witnesses and shall introduce all such testimony as may be necessary and proper to protect the interest of the Commonwealth; and the petitioner may cause to be summoned such witnesses and shall introduce all such testimony as may be necessary and proper to protect his interest.

§ 19.1-355. The court wherein such petition is filed shall hear all such testimony as may be offered, either by the petitioner or attorney for the Commonwealth, and after the evidence has been heard shall cause to be made out by the clerk of the court a certificate of the facts proved, and file with the same an opinion, in writing, as to the propriety of granting the relief prayed for.

§ 19.1-356. All proceedings had before the court under the provisions of the three preceding sections shall be according to the course of the common law practice, except that no formal pleadings shall be necessary.

§ 19.1-357. Whenever application shall be made to the Governor by or on behalf of any person desiring to be relieved, in whole or in part, of any such fine or penalty, the petition, answer, certificate of facts, and opinion of the court provided for in §§ 19.1-353, 19.1-354 and 19.1-355, duly authenticated by the clerk of the court, shall accompany the application, which shall be in writing. In all cases in which the Governor shall remit a fine or penalty he shall issue his order to the clerk of the court by which such fine or penalty was imposed; or if such fine was imposed by a court not of record, to the clerk of the court of the county or to the clerk of the corporation court of the city, in which the judge of such court not of record holds office, and such court shall, at its next term, or immediately, if then in session, cause such order to be spread upon the law order book of its court; and the clerk of such court shall immediately, upon the receipt of such order, mark the judgment for such fine or penalty, and costs, or so much thereof as the person may have been relieved of, "remitted by the Governor", upon the judgment lien docket of the court of the county or city in which it may have been recorded. The Governor shall communicate to the General Assembly at each session the particulars of every case of fine or penalty remitted, with his reason for remitting the same.

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CHAPTER 15

ENFORCEMENT OF FORFEITURES

§ 19.1-358. If any property be seized as forfeited for a violation of any of the provisions of this Code, and a different mode of enforcing the forfeiture is not prescribed, in order to enforce the same the attorney for the Commonwealth for the county or city wherein the forfeiture was incurred shall file in the clerk's office of the circuit court of his county or corporation court of his city an information in the name of the Commonwealth against such property by name or general designation.

§ 19.1-359. The information shall allege the seizure, and set forth in general terms the causes or grounds of forfeiture. It shall also pray that the property be condemned as forfeited to the Commonwealth and be sold and the proceeds of sale disposed of according to law, and that all persons concerned in interest be cited to appear and show cause why the property should not be condemned and sold to enforce the forfeiture.

§ 19.1-360. If the proceeding be instituted by an informer, he shall sign and swear to the information. The attorney for the Commonwealth also shall sign it, but if the law on which the proceeding is based contains no provisions as to informers, the signature of the attorney for the Commonwealth alone shall be sufficient.

§ 19.1-361. Upon the filing of the information, the clerk shall forthwith issue a warrant directed to the sheriff, sergeant, policeman or constable of the county or city, commanding him to take the property into his possession and hold the same subject to further proceedings in the cause. If from any cause the warrant be not executed, other like warrants may be successively issued until one be executed.

§ 19.1-362. The officer serving the warrant shall take the property into his possession and forthwith return the warrant and report to the clerk in writing thereon his action thereunder.

§ 19.1-363. As soon as the warrant has been executed and returned, the clerk shall issue a notice reciting briefly the filing of the information, the object thereof, the issuing of the warrant and the seizure of the property thereunder, and citing all persons concerned in interest to appear on a day fixed on said notice which date shall not be less than ten days from the date of such notice, and show cause why the prayer of the information for condemnation and sale should not be granted. He shall, at least ten days before the day fixed by the notice for appearance, post a copy of the notice at the front door of the courthouse of his county or city. Such posting shall be sufficient service of the notice on all persons concerned in interest, except as provided in §§ 19.1-363.1 and 19.1-363.2.

§ 19.1-363.1. If the property so seized be a motor vehicle required by the motor vehicle laws of Virginia to be registered, the attorney for the Commonwealth shall forthwith notify the Commissioner of the Division of Motor Vehicles, by certified mail, of such seizure and the motor number of the vehicle so seized, and the Commissioner shall promptly certify to such attorney for the Commonwealth the name and address of the person in whose name such vehicle is registered, together with the name and address of any person holding a lien thereon, and the amount thereof. The Commissioner shall also forthwith notify such registered owner and lienor, in writing, of the reported seizure and the county or city wherein such seizure was made.

The certificate of the Commissioner, concerning such registration and lien shall be received in evidence in any proceeding, either civil or criminal, under any provision of this chapter, in which such facts may be material to the issue involved.

§ 19.1-363.2. The owner of and all persons in any manner then indebted or liable for the purchase price of the property, if such property

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be a conveyance or vehicle of any kind, and any person having a lien thereon, if they be known to the attorney who files the information, shall be made parties defendant thereto, and shall be served with notice in the manner provided by law for serving a notice, at least ten days before the date therein specified for the hearing on the information, if they be residents of this State; and if they be unknown or nonresidents, or cannot with reasonable diligence be found in this State, they shall be deemed sufficiently served by publication of the notice once a week for two successive weeks in some newspaper published in such county or city, or if none be published therein, then in some newspaper having general circulation therein, and a notice shall be sent by registered mail of such seizure to the last known address of the owner of such conveyance or vehicle.

§ 19.1-364. If the owner or lienor of the seized property shall desire to obtain possession thereof before the hearing on the information filed against the same, such property shall be appraised by the clerk of the court where such information is filed.

The sheriff of the county or the sergeant of the city in which the trial court is located shall promptly inspect and appraise the property, under oath, at its fair cash value, and forthwith make return thereof in writing, to the clerk's office of the court in which the proceedings are pending, upon the return of which the owner or lienor may give a bond payable to the Commonwealth, in a penalty of the amount equal to the appraised value of the conveyance or vehicle plus the court costs which may accrue, with security to be approved by the clerk, and conditioned for the performance of the final judgment of the court, on the trial of the information, and with a further condition to the effect that, if upon the hearing on the information, the judgment of the court be that such property, or any part thereof, or such interest and equity as the owner or lienor may have therein, be forfeited, judgment may thereupon be entered against the obligors on such bond for the penalty thereof, without further or other proceedings against them thereon, to be discharged by the payment of the appraised value of the property so seized and forfeited and costs, upon which judgment, execution may issue, on which the clerk shall endorse, "no security to be taken". Upon giving of the bond, the property shall be delivered to the owner or lienor.

§ 19.1-365. If the property seized under the warrant be perishable or liable to deterioration, decay, or injury by being detained in custody pending the proceedings the court or the judge thereof in vacation may order the same to be sold upon such notice as he in his discretion may deem proper and hold the proceeds of sale to abide the event of such proceedings.

§ 19.1-366. Any person concerned in interest may appear and make defense to the information, which may be done by answer on oath. The fact that the person by whom the property was used in violating the law has not been convicted of such violation shall be no defense. The information shall be independent of any proceeding against such person or any other for violation of law. Unless otherwise specifically provided by law, no forfeiture shall extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law.

§ 19.1-367. When the case is ready for trial, such issues of fact as are made by the pleadings, or as the court may direct, shall be tried by a jury, unless a trial by jury be dispensed with by consent of parties; in which case, the court shall determine the whole matter of law and fact.

§ 19.1-368. If the forfeiture be established, the judgment shall be that the property be condemned as forfeited to the Commonwealth and further that the same be sold, unless a sale thereof has been already made

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under § 19.1-365. If such sale has been made, the further judgment shall be against the proceeds. If the property condemned has been delivered to the claimant under § 19.1-364 such further judgment shall be against the obligors in the bond for the penalty thereof to be discharged by the payment of the appraised value of the property, upon which judgment, process of execution shall be awarded and the clerk shall endorse thereon, "No security is to be taken".

§ 19.1-369. Any sale ordered in the cause shall be made for cash, after due advertisement, and shall vest in the purchaser a clear and absolute title to the property sold.

§ 19.1-370. The proceeds of sale, and whatever may be realized on any bond given under § 19.1-364, shall be disposed of by the court according to the rights of the parties.

§ 19.1-371. Expenses and costs incurred in the proceedings shall be paid as the court, in its discretion, shall determine; except that no costs shall be adjudged against the Commonwealth.

§ 19.1-372. For the purpose of review on a writ of error or supersedeas, a final judgment or order in the cause shall be deemed a final judgment or order in a civil case (not in chancery) within the meaning of § 8-462.

§ 19.1-373. Except in cases where the forfeiture incurred is enforceable according to the preceding sections of this article, and except also in other cases where it is otherwise specially provided, whenever any property is forfeited to the Commonwealth by reason of the violation of any law, the court before which the offender is convicted shall order the sheriff of the county, or sergeant of the city, to sell the same. The sale shall be at such time and place, and after such notice at the courthouse door, as in the case of property levied on, and the clerk shall make return to the Comptroller and the officer account for and pay the proceeds of sale as in the case of a pecuniary forfeiture.

3. This act shall become effective on July 1, 1960.

CHAPTER 367

An Act to amend and reenact § 14-96 of the Code of Virginia, relating to fees payable out of the State treasury.

[S 12]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-96 of the Code of Virginia be amended and reenacted as follows:

§ 14-96. Fees prescribed by law for services of clerks of courts, and justices of the peace, and fees and mileage prescribed by law for game wardens and all other law enforcement officers, whether regular or special, other than sheriffs, deputy sheriffs, sergeants and deputy sergeants, in all cases of felony and in every prosecution for a misdemeanor, if not paid by the prosecutor, or in cases of conviction by the defendant, and in cases in which there is no prosecutor and the defendant shall be acquitted, or convicted and unable to pay the costs, shall be paid out of the State treasury, unless now or hereafter otherwise provided by law, when certified as prescribed by § **19.1-317*, subject, however, to the following restrictions and limitations:

One-half the fee prescribed by law to the officers heretofore mentioned, except the clerk of court and justice of the peace, who shall have the full fee; provided, however, in no case shall such fee be paid out of the

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State treasury, unless the judge of the court allowing the account shall certify to the Comptroller that the Auditor of Public Accounts has reported to him that he has actually examined through one of his auditors the papers upon which the account is founded and is satisfied that warrant was issued, trial had or examination made, as shown in the account; and provided, further, that in no case, either felony or misdemeanor, except it be a case in which the defendant was acquitted and no prosecutor was liable for payment of the costs, shall the account be allowed or such fee paid unless the judge of the court allowing the account shall certify to the Comptroller that the Auditor of Public Accounts has reported to him that reasonable effort has been made to collect such costs. In so far as this section relates to game wardens and other law enforcement officers, regular and special, not enumerated herein, it shall apply only to fees for making arrests, summoning witnesses and mileage.

2. This act shall become effective on July 1, 1960.

CHAPTER 368

An Act to amend and reenact § 14-132, as amended, of the Code of Virginia, relating to fees for services in criminal cases.

[S 13]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-132, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-132. Fees for services performed by the judges or clerks of courts not of record in criminal actions and proceedings shall be as follows and such fees shall be included in the taxed costs:

(1) For issuing a warrant of arrest, or a warrant for violation of an ordinance, including the issuing of all subpoenas, one dollar; provided, that when such fee is collected from the defendant or other person for him, such fee shall be one dollar and fifty cents.

(2) For issuing a search warrant, one dollar.

(3) For trying or examining a case of misdemeanor, including swearing witnesses and taxing costs, two dollars.

(4) For examining a charge of felony, including swearing witnesses and taxing costs, two dollars.

(5) For admitting any person to bail, including the taking of the necessary bond, one dollar, which shall, notwithstanding other provisions to the contrary, be collected at the time of admitting the person to bail, but which shall in no case be paid out of the State treasury.

(6) For filing and indexing all papers connected with any criminal action in a county or municipal court, twenty-five cents, which when collected shall be transmitted to the clerk of the circuit or corporation court with such papers in the manner prescribed by § *19.1-335, when such papers are required by law to be transmitted to a court of record.

2. This act shall become effective on July 1, 1960.

CHAPTER 369

An Act to amend and reenact § 14-140 of the Code of Virginia, relating to costs chargeable against prosecutors.

[S 14]

Approved March 30, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 14-140 of the Code of Virginia be amended and reenacted as follows:

§ 14-140. If any warrant of arrest for a misdemeanor or felony, or a search warrant, be had or procured at the instance of a prosecutor (other than a public officer charged with the enforcement of the laws) and be dismissed or the accused discharged from accusation, the **judge* before whom the proceeding is may give judgment against the prosecutor in favor of the accused for his cost, and must do so, if the **judge* believe from the evidence that the proceeding was procured by the prosecutor through malice or without reasonable and probable cause.

2. This act shall become effective on July 1, 1960.

CHAPTER 370

An Act to amend and reenact § 15-25.1 of the Code of Virginia, relating to the authority of counties and cities to provide additional compensation for jurors.

[S 15]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-25.1 of the Code of Virginia be amended and reenacted as follows:

§ 15-25.1. The governing body of any county or city may, by ordinance duly adopted, provide for payment to every person summoned as a juror for the circuit, corporation or other court of record of such county or city out of funds of such locality, which payment shall be in addition to the amounts provided in §§ 8-204 and **19.1-218;* provided that no such ordinance shall authorize payment of an amount which, when added to such amount as may be otherwise provided by law for jurors, exceeds ten dollars for each day's attendance upon the court. Nothing herein contained shall authorize the taxing as costs under § 14-111 of the Code of Virginia of 1950 of the supplemental payment provided for herein.

2. This act shall become effective on July 1, 1960.

CHAPTER 371

An Act to amend and reenact § 15-571 of the Code of Virginia, relating to the powers and duties of special policemen in counties.

[S 16]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-571 of the Code of Virginia be amended and reenacted as follows:

§ 15-571. Such police shall apprehend and carry before a **judge* or justice of the peace to be dealt with according to law, all persons whom they may be directed by the warrant of a **judge* or justice of the peace to apprehend, or whom they have cause to suspect have violated, or intend to violate any law of the State; and they may execute any search warrant issued under §§ **19.1-83* and **19.1-84*. If such property as is mentioned in such sections be found, the police shall proceed as an officer

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acting under Chapter *5 of Title *19.1, and they shall have the same authority as a justice of the peace to require any person to aid in making an arrest.

2. This act shall become effective on July 1, 1960.

CHAPTER 372

An Act to amend and reenact § 16.1-90 of the Code of Virginia, relating to the powers of courts not of record to take recognizances.

[S 17]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-90 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-90. Judges of courts not of record may, upon the continuance of any case, require the witnesses or any of them, to enter into recognizance in such penalty as the judge may deem proper, either with or without security, for their appearance at a subsequent date to give evidence in the case, such recognizance to conform to the requirements of §§ *19.1-127 to *19.1-129 for taking recognizance of witnesses.

2. This act shall become effective on July 1, 1960.

CHAPTER 373

An Act to amend and reenact § 16.1-129 of the Code of Virginia, relating to the jurisdiction of courts not of record to try criminal cases.

[S 18]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-129 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-129. Every offense of which a court not of record is given jurisdiction under this title may be tried upon a warrant; or the judge of such court may, in his discretion, make an examination into the offense and proceed according to the provisions of Chapter *6 (§§ *19.1-90 et seq.) of Title *19.1. The word warrant as used in this chapter shall be construed to include a summons or notice requiring a person to appear and answer a charge of having violated any statute, ordinance, or any regulation having the force and effect of law.

2. This act shall become effective on July 1, 1960.

CHAPTER 374

An Act to amend and reenact § 17-163, as amended, of the Code of Virginia, relating to the jurisdiction of the Circuit Court of the City of Richmond.

[S 19]

Approved March 30, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 17-163, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 17-163. The Circuit Court of the City of Richmond, and the judge thereof shall have jurisdiction of only such suits, motions, prosecutions, matters and things as are specifically cognizable by such court or judge under Chapters 3, 34 and 35 of Title 8, Chapter *14 of Title *19.1, Chapter 13 of Title 53 and § 8-749 or any other section of the Code, except that the court or the judge shall retain jurisdiction as to each suit, motion, prosecution, matter or thing now or heretofore properly pending therein, and except that such court shall have jurisdiction of all civil cases arising within the Capitol Square.

2. This act shall become effective on July 1, 1960.

CHAPTER 375

An Act to amend and reenact § 52-21 of the Code of Virginia, relating to procedure after an arrest without warrant by members of the State Police force.

[S 20]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 52-21 of the Code of Virginia be amended and reenacted as follows:

§ 52-21. Except in the case of a violation of a provision of Chapter 4 of Title *46.1, in which case the officer making the arrest shall proceed as provided in § *46.1-178 the officer making the arrest shall forthwith bring the person so arrested before an officer authorized to issue criminal warrants in the county or city where the arrest is made. The officer before whom such person is brought shall proceed to examine the officer making the arrest. If the officer before whom such person is brought has reasonable grounds upon which to believe that a criminal offense has been committed, and that the person arrested has committed such offense, he shall issue such a warrant as might have been issued prior to the arrest of such person under the provisions of § *19.1-91. If such a warrant is issued the case shall thereafter be disposed of in like manner as though the warrant had been issued prior to the arrest. If such a warrant be not issued the person so arrested shall be released.

2. This act shall become effective on July 1, 1960.

CHAPTER 376

An Act to amend and reenact § 53-142 of the Code of Virginia, relating to the commitment of prisoners to jails of other counties or cities for safekeeping.

[S 21]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 53-142 of the Code of Virginia be amended and reenacted as follows:

§ 53-142. In any case should it become necessary or expedient for the safekeeping of any prisoner, or for other good cause, a court or the judge

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thereof in vacation may commit such prisoner to a jail other than that located in his county or city; and the sheriff or sergeant in making his account for the board of such prisoner or prisoners shall include such prisoner or prisoners in such account, as if such prisoner or prisoners had actually been committed from his county or city, and the judge of the circuit, corporation or hustings court of the county or city in which such jail is located, shall certify such account to the Comptroller for payment out of the treasury, as provided in § *19.1-317; provided, however, that the authorities of the county or city from which the prisoner is sent shall be responsible for any damage done by him to the jail of the county or city in which such prisoner may be confined.

2. This act shall become effective on July 1, 1960.

CHAPTER 377

An Act for the relief of certain students who attended Mary Washington College of the University of Virginia in the session of 1957-58.

[S 27]

Approved March 30, 1960

Whereas, in the session of 1957-58 a water pipe in certain dormitories of Mary Washington College of the University of Virginia burst, allowing water to escape into the rooms in said dormitories and such water damaged the property of certain students residing in such dormitories; and

Whereas, the aforesaid damage amounted to three hundred seventy-five dollars and sixteen cents, which was the value of certain clothing, suitcases and other property which was watermarked, rusted, warped, and otherwise irreparably damaged and it is only meet and proper that the Commonwealth should reimburse the students whose property was so damaged, therefore,

Be it enacted by the General Assembly of Virginia:

1. The Chancellor of Mary Washington College of the University of Virginia shall draw vouchers upon the appropriation to such college in favor of the following persons in the amounts described:

Dale Gillies	$42.85	Margot Soltis	$130.00
Susie Heslep	21.96	Patricia Anne Burke	64.90
Patricia Kenny	24.95	Ellen Dunne	14.00
Mary Hall Richardson	51.50	Meredith Mayer	25.00

Such vouchers shall be converted to checks in favor of Dale Gillies, Susie Heslep, Patricia Kenny, Mary Hall Richardson, Margot Soltis, Patricia Anne Burke, Ellen Dunne, and Meredith Mayer in the manner prescribed by law.

Each of the aforesaid individuals shall execute a release in favor of the Commonwealth and the College, releasing them from any and all liability of whatsoever nature, legal, moral, or otherwise, for the damage done the property in such dormitories by water escaping from the aforesaid broken pipe.

CHAPTER 378

An Act to amend and reenact § 23-36.2 of the Code of Virginia, relating to nursing scholarships.

[S 29]

Approved March 30, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 23-36.2 of the Code of Virginia be amended and reenacted as follows:

§ 23-36.2. The governing board of the Medical College of Virginia may establish * *thirteen* annual nursing scholarships, * *three* of which shall be made available to members of the Negro race, *which thirteen scholarships hereby authorized shall be of the annual value of one hundred fifty dollars each,* and the governing board of the University of Virginia may establish fifteen annual nursing scholarships, which * *fifteen* scholarships hereby authorized shall be of the annual value of one hundred dollars each, and shall be awarded and paid subject to the conditions and restrictions set out in the following subsections:

(1) Each applicant for any such scholarship must be a bona fide resident of the State of Virginia when such scholarship is awarded. The awards shall be made upon such basis, competitive or otherwise, as may be determined by the president or other proper officer of the school with due regard to the scholastic attainments, character, and adaptability of the applicant for the service contemplated in such award; provided, that no award shall be made if the applicant fails to possess the requisite qualifications.

(2) Before any such scholarship is awarded the applicant shall sign a written contract under the terms of which she agrees to pursue the nursing course of the school awarding the scholarship until completion and thereupon to promptly begin and thereafter engage continuously in nursing work in the State of Virginia, for a period of years equal in number to the years that she has been or shall be a beneficiary of any such scholarship or scholarships. The contract shall provide that if the applicant shall fail to comply with the provisions thereof or any of them she shall repay to the school all amounts received by her as a beneficiary of such awards, such repayment to be upon such terms and conditions as may be determined by the school. Such contract shall contain such other provisions as may be necessary, in the opinion of the president or other proper officer of the school, to accomplish the purposes of the scholarships.

(3) As further evidence of the promise of such recipient to make such repayment, as to each scholarship awarded her in the event she shall fail or refuse to fulfill the conditions and requirements herein specified as to such scholarships, she shall, when such scholarship is awarded, be required to execute and deliver to the school awarding the scholarship a note in * *a* principal sum * *equal to the amount of such scholarship* with interest at not less than two nor more than four per centum, which note shall be accepted by the school upon the condition that such note, and any other similar notes so given, shall be cancelled by the school upon the basis of one note for each year in which she shall continuously engage in nursing work in the State of Virginia; provided, however, that no recipient of any such scholarship shall be permitted to plead the statute of limitations or interpose a plea of infancy in the event of an action being brought against her on any such note.

(4) All money repaid by any such recipient shall be placed in a special fund which shall be used for nursing scholarships in accordance with the provisions of this section.

(5) Each such scholarships shall be awarded for a single year, but the same student shall, after making satisfactory progress towards completion of her training in the school, receive such award for any succeeding year or years, provided no student shall receive any such scholarship for more than a total of three years.

(6) The funds making up each such scholarship shall be paid to the recipient thereof, or applied to the payment of her expenses, at such

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medical school, in such amounts and at such times during such school year as may be determined by the president or other proper officer of the school; provided, however, that no recipient shall receive for any such scholarship less than one hundred dollars.

CHAPTER 379

An Act to amend and reenact §§ 54-60, 54-61, 54-62, as amended, 54-62.1 and 54-66 of the Code of Virginia, relating to admission to the Bar; and to repeal § 54-61.1, as amended, of the Code of Virginia, relating to character certificates required of certain applicants.

[S 35]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 54-60, 54-61, 54-62, as amended, 54-62.1 and 54-66 of the Code of Virginia, be amended and reenacted as follows:

§ 54-60. No one shall take any examination under this article until he shall file with the Board a certificate from the circuit court of the county, or the corporation court of the city, wherein he resides, or the judge of either of such courts, that he is a person of honest demeanor, of good moral character, is over the age of twenty-one years, and has resided in this State the preceding six months; or if he is * *a regularly enrolled* student in one of the *approved* law schools of this State *, a certificate signed by *the dean and* any * *professor* of the law school that he is a person of honest demeanor, of good moral character, is over the age of twenty-one years, and * *that he has successfully completed two years of study in such school and is then regularly engaged in his third year of study at the school, and a statement of intention, signed by the applicant, that he will complete said third year of study at such school.*

No such certificate shall be made by any such court or judge, unless and until the name of the person applying therefor has been submitted by the court, or judge, to three attorneys, practicing before such court, who shall make a thorough investigation of the moral character and fitness of the applicant and make a report of their findings to the court, or judge, and the certificate shall show compliance with the above requirements; but such report shall not be binding on the court or judge.

In any case in which an applicant for a certificate under this section is refused the same by the judge of any court or professor from whom such certificate is sought, the court or judge thereof or professor, as the case may be, shall notify the secretary of the Board.

§ 54-61. Any person who is over the age of nineteen and under twenty-one years of age may take any examination under this article upon filing with the Board a certificate from the circuit court of the county, or the corporation court of the city, in which he resides, or the judge of either of such courts, that he is a person of honest demeanor, of good moral character, that he is over the age of nineteen years, that he has studied law for the preceding four years in the office of a practicing attorney in this State *pursuant to the rules specified by the Board* and that he will attain the age of twenty-one years on the ..... day of ..... (giving the date). No such certificates shall be made by any such court, or judge, unless and until the name of the person applying therefor has been submitted by the court, or judge, to three attorneys, practicing before such court, who shall make a thorough investigation of the moral character and fitness of the applicant and make a report of their findings to the court, and the certificate shall show compliance with the above requirement; but such report shall not be binding on the court or judge.

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If such person is * a *regularly enrolled* student in one of the *approved* law schools of this State *, in lieu of the abovementioned certificate of a court, or judge, *he may* file with the Board a certificate of *the dean and any * professor* in the school, that he is a person of honest demeanor, of good moral character, that he is over the age of nineteen years, that * *he has successfully completed two years of study in such school and is then regularly engaged in his third year of study at the school, a statement of intention, that he will complete the third year of study in such school,* and that he will attain the age of twenty-one years on the..... day of ..... (giving the date).

In any case in which an applicant for a certificate under this section is refused the same by the judge of any court or professor from whom such certificate is sought, the court or judge thereof or professor, as the case may be, shall notify the secretary of the Board.

No license to an applicant under this section shall be issued until he attains the age of twenty-one years.

§ 54-62. *In addition to the certificate required by §§ 54-60 and 54-61,* every applicant before taking any examination under this article shall furnish to the Board satisfactory evidence that such applicant has:

(1) Received a degree or certificate from a law school approved by the American Bar Association, or the Board, or,

(2) * *(i)* Completed at least a three-year academic course of an accredited college and * *(ii)* studied law for at least three years, in the office of an attorney practicing in this State, whose full time is devoted to the practice of law, or studied law for at least three years partly in a law school approved by the American Bar Association or the Board and partly in said practicing attorney's office. The attorney in whose office the applicant intends to study shall be approved by the Board which shall prescribe reasonable conditions as to such course of study.

§ 54-62.1. Notwithstanding the provisions of * *subparagraph (1) of § 54-62* any person who has * *successfully completed two years of study* in any such approved law school *and who, at the time of filing his application to take the examination, is regularly engaged in his third year of study at such school and has filed with the Board a statement of his intention to complete the third year of study at such school,* may take the examination provided for under this article, but shall not be issued any license to practice law in this State until he shall have completed the requirements of § 54-62.

§ 54-66. Any applicant failing to pass an examination * *given after July fifteen, nineteen hundred sixty, may, after such failure, be reexamined not exceeding four additional times* upon showing to the Board that he has diligently pursued the study of law since the former examination *and that he remains otherwise qualified under the provisions of this article. Provided, however, that the Board may allow an applicant, who has taken the examination five times, to take additional examinations when, in the discretion of the Board, such applicant has shown mitigating circumstances which constitute good and sufficient cause for the applicant's failure to pass the prior examination.*

2. That § 54-61.1, as amended, of the Code of Virginia is repealed.

3. This act shall be in force on and after January one, nineteen hundred sixty-one.

CHAPTER 380

An Act to repeal Chapter 14 of the Acts of Assembly of 1944, approved February 11, 1944, as amended, which was continued in force by § 24-

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119 of the Code of Virginia, which act relates to registration and re-registration of persons qualified to vote in certain cities, and transfer of registrations of persons who have registered in lieu of such registration.

[S 42]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That Chapter 14 of the Acts of Assembly of 1944, approved February 11, 1944, as amended, which was continued in force by § 24-119 of the Code of Virginia, is repealed.

2. An emergency exists and this act is in force from its passage.

CHAPTER 381

An Act for the relief of Bradley M. Self.

[S 48]

Approved March 30, 1960

Whereas, Bradley M. Self, Rt. No. 2, Montross, Westmoreland County, on January 15, 1944, was appointed Chief Forest Warden for Westmoreland County; and

Whereas, on September 28, 1954, Mr. Self, while fighting a forest fire, injured his lower right leg, which on October 11, 1954, became infected to the extent he was under the care of Dr. Thomas R. Travis, of the St. Francis Clinic, Montross, until November 1, 1954, and then was under the care of his family physician, Dr. C. Y. Griffith, Mt. Holly, Virginia; and

Whereas, Mr. Self and the Division of Forestry did submit on October 14, 1954, Form 3, Employer's First Report of Accident, to the State Industrial Commission and to Lumbermen's Mutual Casualty Company; and

Whereas, on October 14, 1959, Mr. Self became a patient at St. Luke's Hospital, Richmond, Virginia, due to the old leg injury and other illness, at which time the physicians determined his recurrent leg infection was cancerous and dating back to the September 28, 1954, injury, in their opinion, making it necessary to perform an operation on the leg and graft skin from elsewhere on his body, all of which caused great inconvenience and pain, and incurred a large medical expense; and

Whereas, both the Insurance carrier and the State Industrial Commission have ruled that due to the statute of limitations, Mr. Self is not eligible for reimbursement of time lost or medical expenses while in St. Lukes Hospital, thus affording no relief for medical expenses for this Forest Warden who was injured while working in the public interest at a hazardous job, now, therefore,

Be it enacted by the General Assembly of Virginia:

1. The Director of the Department of Conservation and Economic Development shall draw a voucher upon the appropriation to such Department in favor of Bradley M. Self in the amount of four hundred twenty dollars and such voucher shall be converted to a check in favor of Bradley M. Self in the manner prescribed by law, in payment of medical expenses incurred as the result of a leg injury incurred while fighting a forest fire on September 28, 1954, in Westmoreland County.

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CHAPTER 382

An Act to amend the Code of Virginia by adding, in Title 15, a new chapter numbered 12.1, consisting of sections numbered 15-384.10 through 15-384.80, providing alternative forms of county management and government, the procedure for adoption thereof, the effect on certain municipalities within and adjoining any such county adopting the same; to provide for district commissions and the management thereof, the powers and duties of such commissions, the effect of adopting any such form of government on the creation, enlargement or dissolution of sanitary districts; to provide for other matters in connection with the foregoing; and to repeal certain acts.

[S 52]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 15 thereof a new chapter numbered 12.1, consisting of sections numbered 15-384.10 through 15-384.80, as follows:

CHAPTER 12.1

Urban County Forms of Government

Article 1.

Effecting Change

§ 15-384.10. Any county in the State having a population of more than ninety thousand may adopt one of the forms of urban county organization provided for in this chapter, by complying with the requirements and procedure hereinafter specified. Provided that the provisions of this chapter shall not apply to any county adjoining a city which has a population of more than two hundred thousand, lying wholly within the State.

§ 15-384.11. Upon a petition filed with the circuit court of the county, or the judge thereof in vacation, signed by ten per cent of the qualified voters of such county or by at least three thousand qualified voters of the county, asking that a referendum be held on the question of adopting the form of county organization and government herein provided for, the court or the judge thereof in vacation shall, by order entered of record, require the regular election officials at the next general election or on the day fixed in such order to open a poll and take the sense of the qualified voters of the county on the questions submitted as herein provided. If a special election is called it shall be held not more than ninety days nor less than sixty days from the filing of the petition, but not within thirty days of any general election. The clerk of the county shall cause a notice of such election to be published in some newspaper published in or having a general circulation in the county once a week for three consecutive weeks and shall post a copy of such notice at the door of the courthouse of the county.

A resolution may be passed by the board of supervisors of any such county and filed with the court or the judge thereof in vacation asking for a referendum, in which case the court or the judge shall proceed as in the case of a petition.

The court or judge thereof shall act upon the petition or resolution first filed in the clerk's office.

§ 15-384.12. The regular election officers of such county at the time designated in the order authorizing the vote shall open the polls at the various voting places in the county and conduct the election in such

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manner as is provided by law for other elections, insofar as the same is applicable. The election shall be by secret ballot and the ballots shall be prepared by the electoral board and distributed to the various election precincts as in other elections. The ballots used shall be printed to read as follows:

Question one. Shall the county adopt the urban county form of government and be empowered to assume the debts and acquire the assets of all towns in the county in which the voters determine to dissolve their town charters?

☐ For
☐ Against

Question two. In the event of such change, which form of organization and government shall be adopted?

☐ Urban County Executive Form
☐ Urban County Manager Form

Question three. In the event of such change, shall the service districts be administered by elected district commissions?

☐ For
☐ Against

If the petition or the resolution provided for in the preceding section shall ask for a referendum on the question as to whether the county shall adopt that form of county organization and government designated herein as the urban county executive form, the ballot shall be printed to read as follows:

Question one. Shall the county adopt the urban county executive form of government and be empowered to assume the debts and acquire the assets of all towns within the county in which the voters determine to dissolve their town charters?

☐ For
☐ Against

Question two. In the event of such change, shall the service districts be administered by elected district commissions?

☐ For
☐ Against

If the petition or the resolution shall ask for a referendum on the question as to whether the county shall adopt that form of county organization and government designated herein as the urban county manager form, the ballot shall be printed to read as follows:

Question one. Shall the county adopt the urban county manager form of government and be empowered to assume the debts and acquire the assets of all towns within the county in which the voters determine to dissolve their town charters?

☐ For
☐ Against

Question two. In the event of such change, shall the service districts be administered by elected district commissions?

☐ For
☐ Against

Voting shall be in accordance with the provisions of § 24-141.

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the commissions of election to the circuit court or judge thereof in vacation. If it shall appear by the report of the commissioners of election that a majority of the qualified voters of the county voting are in favor of changing the existing form of government therein provided for, the circuit court, or the judge thereof in vacation, shall enter of record such fact and the additional facts as to the form of county organization and government adopted, and whether a majority

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of the qualified voters of the county voted in favor of service district commissions.

§ 15-384.13. From and after the date on which the officers first elected under the provisions of the succeeding section shall take office, the form of organization and government of such county shall be in accordance with the form of organization and government adopted by the voters thereof and as hereinafter provided.

§ 15-384.14. When any form of county organization and government provided for herein shall have been adopted by any county and the districting provided for in § 15-384.74 shall have been completed, then the members of the urban county board of supervisors thereof shall be elected at the next succeeding regular November election; their term of office shall commence on the first day of January thereafter. Until the supervisors so elected, or a majority of them, shall have qualified and taken office, the supervisors in office shall continue to serve.

§ 15-384.15. All other county and district officers of such county shall continue to hold office until their successors are elected or appointed and shall have qualified; but the term of office of any person who holds an office abolished by the form of organization and government adopted shall terminate as soon as his powers and duties shall have been transferred to some other officer or employee, or done away with.

If any county which adopts one of the forms of organization and government provided by this chapter and which has heretofore been without some officer, board, agency, or function provided for in the Constitution, the fact that such county adopts one of the forms of organization and government provided for in this chapter shall not thereby establish in such county such officer, board, agency, or function unless the same be specifically created or provided for in this chapter.

Except where inconsistent with this chapter, all provisions of law relating to boards of supervisors or governing bodies of counties shall refer to the urban county board of supervisors, to the end that the term "urban county board of supervisors" shall be synonymous with and equivalent to the board of supervisors referred to in the Constitution of Virginia insofar as the powers, duties and functions of such boards are used in the Constitution and in general law. The provisions of this chapter as to the form of organization and government and the powers of the governing body thereof shall, as to any county adopting any of the forms of government herein provided, be controlling within such county.

Hereafter in this chapter the terms "county board of supervisors" or "board of supervisors", if used, shall mean the urban county board of supervisors.

Article 2.

Urban County Executive Form.

§ 15-384.16. The form of county organization and government provided for in this Article, shall be known and designated as the urban county executive form.

§ 15-384.17. The powers of the county as a body politic and corporate shall be vested in an urban county board of supervisors, to consist of one member from each district of such county. Each member shall be a qualified voter of his district and shall be elected by the qualified voters thereof.

The supervisors first elected under the provisions of this chapter shall hold office until the first day of January following the next regular election provided by general law for the election of supervisors. At such election their successors shall be elected for terms of four years each.

In the event that the number of districts in any such county shall be

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increased by redistricting or otherwise subsequent to a general election for supervisors under such form of government, and such supervisors shall have taken office, then, in such event, the urban county board of supervisors shall adopt a resolution requesting a judge of the circuit court of such county to call a special election for an additional supervisor or supervisors in accordance with the increase in the number of districts, such additional supervisor or supervisors to be elected, however, at large, and such election shall be held within forty-five days from the date of such request. The qualifications of candidates and the election shall be as at general law applying to special elections. Any supervisor or supervisors thereby elected shall hold office until the first day of January following the next regular election provided by general law for the election of members of the board of supervisors, and at the next regular election all supervisors of any such county shall be elected from districts as provided by law.

Any vacancy on the urban county board of supervisors shall be filled by the judge of the circuit court of the county; his appointee shall hold office during the remainder of the term of his predecessor in office.

§ 15-384.18. The urban county board of supervisors shall be the policy determining body of the county and shall be vested with all rights and powers conferred on boards of supervisors by general law, not inconsistent with the form of county organization and government herein provided.

The urban county board of supervisors shall be the governing body of the urban county and of each of the districts established under Article 6 of this chapter for the provision of certain services to residents of such districts.

§ 15-384.19. The urban county board of supervisors shall appoint an urban county executive and fix his compensation. He shall devote his full time to the work of the county. He shall be appointed with regard to merit only, and need not be a resident of the county at the time of his appointment. No member of the urban county board of supervisors shall, during the time for which he has been elected, be chosen urban county executive, nor shall such powers be given to a person who at the same time is filling an elective office. The head of one of the departments of the county government may, however, also be appointed urban county executive.

§ 15-384.20. The urban county executive shall not be appointed for a definite tenure, but shall be removable at the pleasure of the urban county board of supervisors. In case the urban county board of supervisors determines to remove the urban county executive, he shall be given, if he so demands, a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a public meeting of the urban county board of supervisors prior to the date on which his final removal shall take effect, but pending and during such hearing the urban county board of supervisors may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the urban county board of supervisors in suspending or removing the urban county executive shall not be subject to review by any court.

§ 15-384.21. In case of the absence or disability of the urban county executive, the urban county board of supervisors may designate some responsible person to perform the duties of the office.

§ 15-384.22. The urban county board of supervisors shall appoint, upon the recommendation of the urban county executive, all officers and employees in the administration service of the county, except as the urban county board of supervisors may authorize the head of a department or

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office to appoint subordinates in such department or office; provided, however, in appointing the county school board no recommendation by the urban county executive shall be required. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform.

The county clerk, the attorney for the Commonwealth and the sheriff shall be selected in the manner and for the terms, and vacancies in such offices shall be filled, as provided by general law.

§ 15-384.23. All such appointments shall be without definite term, unless for temporary services not to exceed sixty days except as otherwise provided as to the urban county executive.

Any officer or employee of the county appointed pursuant to the foregoing section may be suspended or removed from office or employment either by the urban county board of supervisors or the officer by whom he was appointed or employed. In case of the absence or disability of any such officer, the urban county board of supervisors or other appointing power may designate some responsible person to perform the duties of the office.

§ 15.384.24. The urban county board of supervisors shall, subject to such limitations as may be made by general law, fix the compensation of all officers and employees of the county, except as it may authorize the head of some department or office to fix the compensation of subordinates and employees in such department or office.

§ 15-384.25. The urban county executive, the attorney for the Commonwealth, the sheriff and the directors or heads of all departments of the county shall be entitled to be present at all meetings of the urban county board of supervisors. The urban county executive shall have the right to take part in all discussions and to present his views on all matters coming before the urban county board of supervisors; the attorney for the Commonwealth, the sheriff and the directors or heads of the departments shall be entitled to present their views on matters relating to their respective departments.

§ 15-384.26. The urban county executive shall be the administrative head of the county. He shall attend all meetings of the urban county board of supervisors and recommend such action as he may deem expedient. He shall be responsible to the urban county board of supervisors for the proper administration of all the affairs of the county which the urban county board of supervisors has authority to control.

He shall also:

(1) Make monthly reports to the urban county board of supervisors in regard to matters of administration, and keep the urban county board of supervisors fully advised as to the financial condition of the county.

(2) Submit to the urban county board of supervisors a proposed annual budget, with his recommendations, and shall execute the budget as finally adopted.

(3) Execute and enforce all resolutions and orders of the urban county board of supervisors and shall see that all laws of the State required to be enforced through the urban county board of supervisors or some other county officer subject to the control of the urban county board of supervisors are faithfully executed.

(4) Examine regularly the books and papers of every officer and department of the county and report to the urban county board of supervisors the condition in which he finds them.

(5) Perform such other duties as may be required of him by the urban county board of supervisors.

§ 15-384.27. The urban county executive may, if required by the urban county board of supervisors, act as the director or head of any

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department or departments, the directors or heads of which are appointed by the urban county board of supervisors, provided he is otherwise eligible to head such department or departments.

§ 15-384.28. When this form of county organization and government shall be adopted the following officers shall, when the form of organization and government becomes operative, be abolished, the powers and duties of such officers transferred as herein provided, and the terms of office of such officers expire as provided in § 15-384.15.

(1) County surveyor; his powers shall be exercised and his duties performed by the director of public works, or such person as the urban county board of supervisors may otherwise designate.

(2) Superintendent of the poor; his powers shall be exercised and his duties performed by the superintendent of public welfare.

(3) The school trustee electoral board.

(4) The inheritance tax commissioner.

Article 3.

Urban County Manager Form.

§ 15-384.29. The form of county organization and government provided for in this Article shall be known and designated as the urban county manager form.

§ 15-384.30. The powers of the county as a body politic and corporate shall be vested in an urban county board of supervisors, to consist of not less than five nor more than eleven members to be elected by the qualified voters of the county. There shall be on the urban county board of supervisors for each district one member, and no more, who shall be a qualified voter of such district.

The members of the board first elected under the provisions of this chapter shall hold office until the first day of January following the next regular election provided by general law for the election of boards of supervisors. At such election their successors shall be elected for terms of four years each.

Any vacancy on the urban county board of supervisors shall be filled by the judge of the circuit court of the county; his appointee shall hold office during the remainder of the term of his predecessor in office.

§ 15-384.31. The urban county board of supervisors shall be the policy determining body of the county and shall be vested with all rights and powers conferred on boards of supervisors by general law, not inconsistent with the form of county organization and government herein provided.

The urban county board of supervisors shall be the governing body of the urban county and of each of the districts established under the terms of this chapter for the provision of certain services to residents of such districts.

§ 15-384.32. The urban county board of supervisors shall appoint an urban county manager and fix his compensation. He shall be the administrative head of the county government and shall devote his full time to the work of the county. He shall be appointed with regard to merit only, and need not be a resident of the county at the time of his appointment. No member of the urban county board of supervisors shall, during the time for which he has been elected, be chosen urban county manager, nor shall the managerial powers be given to a person who at the same time is filling an elective office.

§ 15-384.33. The urban county manager shall not be appointed for a definite tenure, but shall be removable at the pleasure of the urban county board of supervisors. In case the urban county board of supervisors determines to remove the urban county manager, he shall be given, if he so

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demands, a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a public meeting of the urban county board of supervisors prior to the date on which his final removal shall take effect, but pending and during such hearing the urban county board of supervisors may suspend him from office, provided that the period of suspension shall be limited to thirty days. The action of the urban county board of supervisors in suspending or removing the urban county manager shall not be subject to review by any court.

§ 15-384.34. In case of the absence or disability of the manager, the urban county board of supervisors may designate some responsible person to perform the duties of the office.

§ 15-384.35. The urban county manager shall be responsible to the urban county board of supervisors for the proper administration of all the affairs of the county which the urban county board of supervisors has authority to control. To that end he shall appoint all officers and employees in the administrative service of the county, except as otherwise provided in this form of county organization and government, and except as he may authorize the head of a department or office responsible to him to appoint subordinates in such department or office. All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform.

§ 15-384.36. All such appointments shall be without definite term, unless for temporary service not to exceed sixty days. Any officer or employee of the county appointed by the manager or upon his authorization, may be laid off, suspended or removed from office or employment either by the manager or by the officer by whom he was appointed.

§ 15-384.37. The manager, the attorney for the Commonwealth, the sheriff and the directors or heads of all departments of the county shall be entitled to be present at all meetings of the urban county board of supervisors. The manager shall have the right to take part in all discussions and to present his views on all matters coming before the urban county board of supervisors; the attorney for the Commonwealth, the sheriff and the directors or heads of the departments shall be entitled to present their views on matters relating to their respective departments.

§ 15-384.38. As the administrative head of the county government for the urban county board of supervisors, the manager shall supervise the collection of all revenues, guard adequately all expenditures, secure proper accounting for all funds, look after the physical property of the county, exercise general supervision over all county institutions and agencies, and, with the approval of the urban county board of supervisors, coordinate the various activities of the county and unify the management of its affairs.

He shall also:

(1) Execute and enforce all resolutions and orders of the urban county board of supervisors and see that all laws of the State required to be enforced through the urban county board of supervisors or other county officers subject to the control of the urban county board of supervisors are faithfully executed.

(2) Attend all meetings of the urban county board of supervisors and recommend such action as he may deem expedient.

(3) Subject to such limitations as may be made by general law, fix, with the approval of the urban county board of supervisors, the compensation of all officers and employees whom he or a subordinate may appoint or employ.

(4) Submit to the urban county board of supervisors each year a proposed annual budget, with his recommendations and execute the budget as finally adopted.

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(5) Make regular monthly reports to the urban county board of supervisors in regard to matters of administration and keep the urban county board of supervisors fully advised as to the financial condition of the county.

(6) Examine regularly the books and papers of every officer and department of the county and report to the urban county board of supervisors the condition in which he finds them. He may order an audit of any office at any time.

(7) Perform such other duties as may be imposed upon him by the urban county board of supervisors.

§ 15-384.39. The urban county manager shall be responsible to the urban county board of supervisors for the administration of the following activities:

(1) The assessment of property for taxation and the preparation of the taxbooks;

(2) The collection of taxes, license fees, and other revenues of the county;

(3) The custody of and accounting for all public funds belonging to the county;

(4) The purchase of supplies, materials and equipment for the county;

(5) The care of all county buildings;

(6) The care and custody of all personal property of the county;

(7) The care of the poor, the operation of county charitable and correctional institutions and the other welfare activities;

(8) Public health work and the operation of county hospitals;

(9) Such other activities of the county as are not specifically assigned to some other officer or agency by this form of county organization and government or by other law.

§ 15-384.40. The county clerk, the attorney for the Commonwealth and the sheriff shall be selected in the manner and for the terms, and vacancies in such offices shall be filled, as provided by general law.

The directors or heads of all other departments of the county shall be appointed by the urban county manager. The urban county manager may, with the consent of the urban county board of supervisors, act as the director or head of one or more departments of the county, provided he is otherwise eligible to head such department or departments and, in the case of those officers whose appointments must be approved, his appointment is likewise approved.

In case of the absence or disability of any officer, other than the attorney for the Commonwealth, the county clerk and the sheriff, which offices shall be filled as prescribed by general law, the urban county manager or other appointing power may designate some responsible person to perform the duties of the office.

§ 15-384.41. When this form of county organization and government shall be adopted the following officers shall, when the form of organization and government becomes operative, be abolished, the powers and duties of such officers transferred as herein provided, and the terms of office of such officers expire as provided in this chapter.

(1) County surveyor; his powers shall be exercised and his duties performed by the director of public works, or such person as the urban county board of supervisors may otherwise designate.

(2) Superintendent of the poor; his powers shall be exercised and his duties performed by the superintendent of public welfare.

(3) The school trustee electoral board.

(4) The inheritance tax commissioner.

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Article 4.

General Provisions.

§ 15-384.42. The provisions of this article shall be applicable to each of the two forms of county organization and government provided for in Articles 2 and 3 of this chapter.

§ 15-384.43. The following officers shall not, except as herein otherwise provided, be affected by the adoption of either the urban county executive form or the urban county manager form:

(1) Jury commissioners,

(2) Notaries public,

(3) County electoral boards,

(4) Registrars,

(5) Judges and clerks of elections, and

(6) Justices of the peace; provided, however, that in any county which adopts either the urban county executive form or the urban county manager form there shall be appointed or elected in the manner provided by law not to exceed such number of justices of the peace in each district as the urban county board of supervisors certifies by resolution are necessary to serve the public; in each district the judge of the circuit court of the county shall appoint one or more such justices, who shall hold office until his successor shall be elected or appointed and qualified; the terms of the present justices of the peace in each district shall expire when the appointee takes office.

§ 15-384.44. Other provisions of law in conflict with any form of county organization and government adopted by any county pursuant to this chapter shall not apply to the county.

§ 15-384.45. (a) Any county which adopts either form of organization and government provided for by this chapter may change to the other form of organization and government therein provided for, or change back to the form of county organization and government provided for by Title 15, Chapter 11 of the 1950 Code of Virginia as amended, or change back to the form of county organization and government provided for by Article VII of the Constitution and the general law of the State. The procedure for initiating, conducting and determining the results of a referendum thereon, shall be the same, in so far as applicable, as that herein provided in Article 1 of this chapter provided that the question or questions to be submitted to the voters shall be contained in the resolution adopted by the urban county board of supervisors or in the petition filed with the court and which question or questions shall be on the adoption of one of the forms of county organization and government named in paragraph (b) and set forth in the questions hereinafter provided for in paragraphs (c) and (d).

(b) Forms of county organization and government which may be adopted:

Urban County Manager form (or
Urban County Executive form as the case may be)
The County Executive Form
The County Manager Form
The Form of County Organization and Government provided for by Article VII of the Constitution of Virginia

(c) The ballot shall be printed to read as follows:

Question. Shall the county adopt (here insert name of form proposed in petition or resolution and which form is set forth in paragraph (b) hereof)?

☐ For
☐ Against

(d) In the event that the form of county organization and govern-

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ment sought to be adopted be either of the forms designated as the Urban County Manager form or the Urban County Executive form, the ballot shall also contain the following additional question:

Question two. In the event of such change, shall the service districts be administered by elected district commissions?

☐ For
☐ Against

§ 15-384.46. If in accordance with the foregoing section the form of the county organization and government be changed from the urban county executive form to the urban county manager form, all officers and employees of the county shall be thereafter selected as provided in the urban county manager form; the persons holding office under the urban county executive form shall continue to hold office until their successors have been selected and qualified; the members of the urban county board of supervisors, the county clerk, the sheriff, and the attorney for the Commonwealth shall continue to hold office under the urban county manager form until the expiration of their terms and until their successors have been elected and qualified.

This change shall become effective as soon as the judge shall enter of record the results of the election provided for in the preceding section.

§ 15-384.47. If in accordance with § 15-384.45 the form of county organization and government be changed from the urban county manager form to the urban county executive form, all officers and employees of the county shall be thereafter selected as provided in the urban county executive form; those persons holding office under the urban county manager form shall continue to hold office until their successors have been selected and qualified; the members of the urban county board of supervisors, the county clerk, the sheriff and the attorney for the Commonwealth shall continue to hold office under the urban county executive form until the expiration of their terms and until their successors have been elected and qualified.

This change shall become effective as soon as the judge shall enter of record the results of the election provided for in § 15-384.45.

§ 15-384.47:1. If, in accordance with the provisions of § 15-384.45, the form of county organization and government be changed from any other form to that form of county organization and government provided for by Article VII of the Constitution and the provisions of general law enacted pursuant thereto, all officers of the county and the district whose election is provided for by Article VII of the Constitution and the general law shall be elected at the next succeeding regular November election, held at least sixty days after such change shall have been voted upon; all appointive officers shall be appointed by the appointing powers provided for by general law; the terms of the officers so elected or appointed shall begin on the first day of January next succeeding, at which time the change of county organization and government shall become effective, and such officers shall hold office until their successors have been elected at the next regular election provided for such officers or have been appointed, as provided by general law, and have qualified.

§ 15-384.48. If any election has been or is held in any county to determine whether such county shall adopt either of the two forms of county organization and government provided for in Articles 2 and 3 of this chapter, or if any election has been or is held in any county which has adopted either of such optional forms of county organization and government to determine whether such county shall change to any other optional form of county organization and government or to determine whether such county shall change back to the other form of county organization and government provided for by Article VII of the Constitution and the other pro-

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visions of general law of the State, no further election of the nature referred to in this section shall be held in the county within three years thereafter.

§ 15-384.49. The urban county board of supervisors shall have full power to inquire into the official conduct of any office or officer under its control, and to investigate the accounts, receipts, disbursements and expenses of any county or district officer; for these purposes it may subpoena witnesses, administer oaths and require the production of books, papers and other evidence; and in case any witness fails or refuses to obey any such lawful order of the urban county board of supervisors, he shall be deemed guilty of a misdemeanor.

§ 15-384.50. The urban county board of supervisors shall, as soon as the members thereof are elected and take office, provide for the performance of all the governmental functions of the county and to that end shall provide for and set up all departments of government that shall be necessary, not inconsistent with the provisions of the form of county organization and government herein provided.

§ 15-384.51. Whenever it is not designated herein what officer or employee of the county shall exercise any power or perform any duty conferred upon or required of the county, or any officer thereof, by general law, then any such power shall be exercised or duty performed by that officer or employee of the county so designated by ordinance or resolution of the urban county board of supervisors.

§ 15-384.52. The activities or functions of the county shall, with the exceptions herein provided, be distributed among the following general divisions or departments:

(1) Department of finance.
(2) Department of public works.
(3) Department of public welfare.
(4) Department of law enforcement.
(5) Department of education.
(6) Department of records.
(7) Department of health.

The urban county board of supervisors may establish any of the following additional departments and such other departments as it deems necessary to the proper conduct of the business of the county:

(1) Department of assessments.
(2) Department of farm and home demonstration.
(3) Department of public safety.
(4) Department of public utilities.

Any activity which is unassigned by this form of county organization and government shall, upon recommendation of the urban county manager or executive, be assigned by the urban county board of supervisors to the appropriate department. The urban county board of supervisors may, upon recommendations of the urban county manager or executive, reassign, transfer or combine any county functions, activities or departments.

§ 15-384.53. (a) *Director: general duties.*—The director of finance shall be the head of the department of finance and as such have charge of the administration of the financial affairs of the county, including the budget; the assessment of property for taxation; the collection of taxes, license fees and other revenues; the custody of all public funds belonging to or handled by the county; supervision of the expenditures of the county and its subdivisions; the disbursement of county funds; the purchase, storage and distribution of all supplies, materials, equipment and contractual service needed by any department, office or other using agency of the county unless some other officer or employee is designated for this purpose; the keeping and supervision of all accounts; and such other duties as the urban county board of supervisors may by ordinance or resolution require.

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The urban county board of supervisors may assign the budget function to the urban county manager or executive, or a budget officer.

(b) *Expenditures and accounts.*—No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance, or legally enacted supplement thereto, or subsequent resolution passed by the urban county board of supervisors. Accounts shall be kept for each item of appropriation made by the urban county board of supervisors. Each such account shall show in detail the appropriation made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement or order.

(c) *Powers of commissioners of revenue.*—The director of finance shall exercise all the powers conferred and perform all the duties imposed by general law upon commissioners of the revenue, not inconsistent herewith, and shall be subject to the obligations and penalties imposed by general law.

(d) (1) *Real estate reassessments.*—Every general reassessment of real estate in the county, unless some other person be designated for this purpose, shall be made by the director of finance; he shall collect and keep in his office data and devise methods and procedure to be followed in each such general reassessment that will make for uniformity in assessments throughout the county.

(2) In addition to any other method provided by general law or by this article the director of finance may provide for the annual assessment and equalization of real estate and any general reassessment ordered by the urban county board of supervisors. The director of finance or his designated agent shall collect data, provide maps and charts, devise methods and procedures to be followed for such assessment that will make for uniformity in assessments throughout the county.

All real estate shall be assessed as of January first of each year by the director of finance or such other person designated to make such assessment and such annual assessment shall provide for the equalization of assessments of real estate, correction of errors in tax assessment records, addition of erroneously omitted properties to the tax rolls, and the removal of properties acquired by owners not subject to taxation.

This section shall not apply to real estate assessable under the law by the State Corporation Commission.

Any reassessments made, which shall change the assessment of real estate, shall not be extended for taxation until after there is mailed a written notice to the person in whose name such property is to be assessed at his last known address, setting forth the amount of the new assessment.

(e) *Powers of county treasurer; deposit of moneys.*—The director of finance shall also exercise all the powers conferred and perform all the duties imposed by general law upon county treasurers, and shall be subject to all the obligations and penalties imposed by general law. All moneys received by any officer or employee of the county for or in connection with the business of the county shall be paid promptly into the hands of the director of finance; all such money shall be promptly deposited by the director of finance to the credit of the county in such banks or trust companies as shall be selected by the urban county board of supervisors. No money shall be disbursed or paid out by the county except upon check signed by the chairman of the urban county board of supervisors, or such other person as may be designated by the urban county board of supervisors, and countersigned by the director of the department of finance.

The urban county board of supervisors may designate one or more

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banks or trust companies as a receiving or collecting agency or agencies under the direction of the department of finance. All funds so collected or received shall be deposited to the credit of the county in such banks or trust companies as shall be selected by the urban county board of supervisors.

Every bank or trust company serving as a depository or as a receiving or collecting agency for county funds shall be required by the urban county board of supervisors to give adequate security therefor, and to meet such requirement as to interest thereon as the urban county board of supervisors may by ordinance or resolution establish. All interest on money so deposited shall accrue to the benefit of the county.

(f) *Claims against counties; accounts.*—The director of finance shall audit all claims against the county for goods or services; it shall also be his duty to ascertain that such claims are in accordance with the purchase orders or contracts of employment from which same arise; to present such claims to the urban county board of supervisors for approval after such audit; to draw all checks in settlement of such claims after approval by the urban county board of supervisors unless the said urban county board of supervisors otherwise provides; to keep a record of the revenues and expenditures of the county; to keep such accounts and records of the affairs of the county as shall be prescribed by the Auditor of Public Accounts; and at the end of each month to prepare and submit to the urban county board of supervisors statements showing the progress and status of the affairs of the county in such form as shall be agreed upon by the Auditor of Public Accounts and the urban county board of supervisors.

(g) *Director as purchasing agent.*—The director of finance shall act as purchasing agent for the county, unless the urban county board of supervisors shall designate some other officer or employee for such purpose. The director of finance or the person designated as purchasing agent shall make all purchases, subject to such exceptions as may be allowed by the urban county board of supervisors, for the county in such manner as may be provided by resolution of the urban county board of supervisors. He shall have authority to make transfers of supplies, materials or equipment between departments and offices, to sell any surplus supplies, materials or equipment and to make such other sales as may be authorized by the urban county board of supervisors. He shall also have power, with the approval of the urban county board of supervisors, to establish suitable specifications or standards for all supplies, materials and equipment to be purchased for the county and to inspect all deliveries to determine their compliance with such specifications and standards. He shall further have the power, with the approval of the urban county board of supervisors, to sell supplies, materials, and equipment to volunteer rescue squads and firefighting companies at the same cost as the cost of such supplies, materials and equipment to the county. He shall have charge of such storerooms and warehouses of the county as the urban county board of supervisors may provide.

All purchases and sales shall be made under such rules and regulations as the urban county board of supervisors may by ordinance or resolution establish. Subject to such exceptions as the urban county board of supervisors may provide, he shall before making any purchase or sale invite competitive bidding under such rules and regulations as the urban county board of supervisors may by ordinance or resolution establish. He shall not furnish any supplies, materials, equipment, or contractual services to any department or office except upon receipt of a properly approved requisition and unless there be an unencumbered appropriation balance sufficient to pay for the same.

(h) *Other duties.*—He shall perform such other duties as may be imposed upon him by the urban county board of supervisors.

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(i) *Assistants.*—The director may have such deputies or assistants in the performance of his duties as may be allowed by the urban county board of supervisors.

(j) *Approval of chief assessing officer.*—Before the appointment of the chief assessing officer of the county (whether he be the director of finance, a deputy or supervisor of assessments in the department of finance, or the head of the department of assessments) shall become effective, it shall be approved by the State Tax Commissioner and such officer shall be subject to the obligations and penalties imposed by general law upon commissioners of the revenue.

§ 15-384.54. The director of public works shall be head of the department of public works. He shall have charge of the construction and maintenance of county drains and all other public works and construction and care of public buildings, storerooms and warehouses. He shall have the custody of such equipment and supplies as the urban county board of supervisors may authorize. He shall exercise all the powers conferred, and shall perform such duties as may be imposed, upon him by the urban county board of supervisors.

§ 15-384.55. The superintendent of public welfare, who shall be head of the department of public welfare, shall be chosen from a list of eligibles furnished by the State Department of Welfare and Institutions. He shall exercise all the powers conferred and perform all the duties imposed by general law upon the county board of public welfare, not inconsistent herewith. He shall also perform such other duties as may be imposed upon him by the urban county board of supervisors.

The urban county board of supervisors shall select five qualified citizens of the county, one of whom may be a member of the urban county board of supervisors, who shall constitute the county board of public welfare. Such board shall advise and cooperate with the department of public welfare and shall have power to adopt necessary rules and regulations not in conflict with law concerning such department.

§ 15-384.56. The department of law enforcement shall consist of an attorney for the Commonwealth and a sheriff, together with their assistants, deputies and employees, and any county police unless a department of public safety exists or is created.

The attorney for the Commonwealth shall exercise all the powers conferred and perform all the duties imposed upon such officer by general law and shall be accountable to the urban county board of supervisors in all matters affecting the county and shall perform such duties, not inconsistent with his office, as the urban county board of supervisors shall direct. He shall be selected as provided by general law.

The department of law enforcement may also include a county attorney to be appointed annually by the urban county board of supervisors and who shall serve at an annual salary to be set by said board. In the event of the appointment of such county attorney, the Commonwealth's attorney shall be relieved of the duties of advising the board of supervisors, of drafting or preparing county ordinances and of defending or bringing civil actions in which the county or any of its officials shall be a party, and all such duties shall be performed by the county attorney and he shall be accountable to the urban county board of supervisors in all such matters.

The sheriff shall exercise all the powers conferred and perform all the duties imposed upon sheriffs by general law. He shall have the custody, feeding and care of all prisoners confined in the county jail. He shall perform such other duties as may be imposed upon him by the urban county board of supervisors. The sheriff shall be selected as provided by general law. The sheriff and such other deputies and assistants appointed hereunder shall receive such compensation as the urban county board of sup-

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ervisors may prescribe. Any policeman appointed by the urban county manager or executive or the board of supervisors shall be under the supervision and control of the urban county board of supervisors unless such supervision and control be conferred upon the urban county manager or executive and such policeman shall have such powers as special policemen as may be provided for by general law.

§ 15-384.57. The department of education shall consist of the county school board, the division superintendent of schools and the officers and employees thereof. Except as herein otherwise provided, the county school board and the division superintendent of schools shall exercise all the powers conferred and perform all the duties imposed upon them by general law. In addition the parks and playgrounds shall be under the supervision and control of the department of education unless otherwise provided by the urban county board of supervisors. The county school board shall be composed of not less than five nor more than eleven trustees, who shall be chosen by the urban county board of supervisors to serve at the pleasure of the urban county board of supervisors. The exact number of trustees shall be determined by the urban county board of supervisors.

The chairman of the county school board shall for the purpose of appearing before the urban county board of supervisors under the provisions of § 15-384.37 be considered head of this department, unless some other person in the department shall be designated by the school board for such purpose.

§ 15-384.58. The department of records shall be under the supervision and control of the county clerk. He shall be clerk of the circuit court of the county, and if designated by the urban county board of supervisors clerk of the county court, and clerk of the urban county board of supervisors unless the urban county board of supervisors shall designate some other person for this latter purpose. He shall exercise all the powers conferred and perform all the duties imposed upon such officers by general law and shall be subject to the obligations and penalties imposed by general law. He shall also perform such other duties as may be imposed upon him by the urban county board of supervisors.

§ 15-384.59. The department of health shall consist of the county health officer, who shall be chosen from a list of eligibles furnished by the State Board of Health, and who shall be head thereof, and the other officers and employees of such department. The head of such department shall exercise all the powers conferred and shall perform all the duties imposed upon the local health officer and the local board of health by general law, not inconsistent herewith. He shall also perform such other duties as may be imposed upon him by the urban county board of supervisors.

The urban county board of supervisors may select two qualified citizens of the county, who, together with the county health officer, shall constitute the county board of health. Such board shall advise and cooperate with the department of health and shall have power to adopt rules and regulations, not in conflict with law, concerning the department. The board may at any time be abolished by the urban county board of supervisors.

§ 15-384.60. The department of assessments, if and when established, shall be headed by a commissioner of the revenue or supervisor of assessments, who shall exercise all the powers conferred and perform all the duties imposed by paragraphs (c) and (d) of § 15-384.53 upon the director of finance.

In addition to the powers and duties herein above conferred, the governing body of any county which has provided for a department of assessments headed by a supervisor of assessments may, in lieu of the method now prescribed by law, provide for the annual assessment and

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equalization of assessments of real estate by such department. All real estate shall thereafter be assessed as of January first of each year. Any person aggrieved by any such assessment may apply for relief to the circuit court of the county as provided by law. The provisions of this section shall not, however, apply to any real estate assessable under the law by the State Corporation Commission.

§ 15-384.61. The department of farm and home demonstration shall consist of the county agricultural agent, who shall be head of the department, a home demonstration agent and such assistants and employees as may be appointed or employed. The county agricultural agent and the home demonstration agent shall be selected from a list or lists of eligibles submitted by the Virginia Polytechnic Institute. They shall perform such duties as may be imposed upon them by the urban county board of supervisors.

§ 15-384.62. The department of public safety if and when established shall be under the supervision of a director of public safety. Such department may consist of the following divisions:

(1) Division of police, in charge of a chief of police and consisting of such other police officers and personnel as may be appointed.

(2) Division of fire protection, in charge of a fire chief and consisting of such firemen, and other personnel as may be appointed.

§ 15-384.63. The department of public utilities, if and when established, shall be under the supervision of a director of public utilities. Such department shall be in charge of construction, operation, maintenance and administration of all public works coming under the general category of public utilities, owned, operated and controlled by any such county or district or any sanitary district of such county. Such department shall be responsible for the administration of the affairs of the sanitary districts, including but not limited to water systems, sewer systems, sewage disposal systems, garbage and any other sanitary district functions not assigned or administered by other departments or agencies. If the county has a division of fire protection and a fire chief under the provisions of § 15-384.62 then such fire protection shall not be under the department of public utilities.

§ 15-384.64. The urban county board of supervisors shall require an annual audit of the books of every county officer who handles public funds to be made by a certified public accountant who is not a regular officer or employee of the county and who is thoroughly qualified by training and experience. An audit made by the Auditor of Public Accounts under the provision of law, may be considered as having satisfied the requirements of this paragraph.

Either the urban county board of supervisors or the executive or manager may at any time order an examination or audit of the accounts of any officer or department of the county government. Upon the death, resignation, removal or expiration of the term of any officer of the county, the director of finance shall cause an audit and investigation of the accounts of such officer to be made and shall report the results thereof to the manager or executive and the urban county board of supervisors. In case of the death, resignation or removal of the director of finance, the urban county board of supervisors shall cause an audit to be made of his accounts. If as a result of any such audit, an officer be found indebted to the county, the urban county board of supervisors shall proceed forthwith to collect such indebtedness.

§ 15-384.65. The urban county board of supervisors shall establish a schedule of compensation for officers and employees which shall provide equitable compensation for officers and employees and which shall provide for recognition of length of service and of merit. The compen-

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sation prescribed shall be subject to such limitations as may be made by general law.

§ 15-384.66. Each year at least two weeks before the urban county board of supervisors must prepare its proposed annual budget, the urban county executive or manager shall perpare and submit to the urban county board of supervisors a budget presenting a financial plan for conducting the affairs of the county for the ensuing year; such budget shall be set up in the manner prescribed by general law. Hearings thereon shall be held and notice thereof given and the budget adopted in accordance with such general law.

§ 15-384.67. No member of the urban county board of supervisors or other officer or employee of the county, or person receiving a salary or compensation from funds appropriated by the county, shall be interested directly or indirectly in any contract to which the county is a party, either as principal, surety or otherwise; nor shall any such officer or employee or his partner, agent, servant or employee of the firm of which he is a member purchase from or sell to the county any real or personal property, nor shall he be financially interested, directly or indirectly, in any work or service to be performed for the county or in its behalf. Any contract made in violation of any of these provisions shall be void.

The amount embraced by any such contract, the value of any thing so purchased or sold, and the amount of any claim for any such work or service shall never be paid, or if paid, may be recovered back, with interest, by the county, in the circuit court of the county, by action or motion, within two years from the time of payment.

§ 15-384.68. All officers and employees of the county shall be paid regular compensation and the fee system as a method of compensation in the county shall be abolished, except as to those officers not affected by the adoption of this form of county organization and government. All such officers and employees shall, however, continue to collect all fees and charges provided for by general law, shall keep a record thereof, and shall promptly transmit all such fees and charges collected to the director of finance, who shall promptly receipt therefor. Such officers shall also keep such other records as are required by §§ 14-145 to 14-163. All fees and commissions, which but for this section would be paid to such officers by the State for services rendered, shall be paid into the treasury of the county.

The excess, if any, of the fees collected by each of the officers mentioned in § 14-145 or collected by any one exercising the powers of and performing the duties of any such officer, over (a) the allowance to which such officer would be entitled by general law but for the provisions of this section and (b) expenses in such amount as shall be allowed by the Compensation Board, shall be paid, one-third into the State treasury, and the other two-thirds shall belong to the county.

Any officer or employee of the county who shall fail or refuse to collect any fee which is collectible and should be collected under the provisions of this section, or who shall fail or refuse to pay any fee so collected to the county as herein provided, shall upon conviction be deemed guilty of a misdemeanor.

§ 15-384.69. (1) Any county having either of the urban county forms of organization and government under this chapter is authorized to establish and prescribe for all employees of the county and, as requisite, officers thereof, the following provisions applicable to such employees:

(a) Normal work days and hours of employment therein;

(b) Holidays;

(c) Days of vacation allowed;

(d) Days of sick leave allowed;

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(e) Other provisions concerning the hours and conditions of employment;

(f) Plans of personnel management and control;

(g) Systems of retirement for all or any classes of officers and employees of the county but the adoption of either of these urban county forms of government shall in no way affect any retirement system in effect in any such county prior to the date of adoption of such form.

(2) Any such county shall have power to establish, alter, amend or repeal at will any provision adopted under subsection (1) hereof.

§ 15-384.70. The urban county executive or manager shall give bond payable to the county in the amount of not less than five thousand dollars. The director of finance shall give bond to the amount of not less than fifteen per centum of the amount of money to be received by him annually. In case the urban county executive or manager serves also as director of finance, he shall give bond to the full amount indicated above. The urban county board of supervisors shall have the power to fix bonds in excess of these amounts and to require bonds of other county officers in their discretion, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession.

Article 5.

Towns

§ 15-384.71. Subsequent to the adoption by a county of either of the forms of county government and organization authorized by this chapter, any town within the county may, in accordance with general law, hold a referendum on the question of whether or not the charter of the town shall be dissolved.

If the majority of voters in any town vote in favor of dissolving its charter, then on the first day of January next following, the charter of such town whether granted by a court or by the General Assembly shall be dissolved. All town liabilities shall be assumed by, and become the obligations of the county, and the county shall own all the corporate properties, franchises and rights of the town. Each town shall become a small district of the district in which it is located; and the existing assets less the liabilities assumed of such town shall be used by the urban county board of supervisors as a factor in establishing service charges within such small district, and existing services provided by the town government shall not be discontinued so long as they are desired by the residents of the then small district.

All claims of whatsoever nature, tort, contract, or otherwise, which exist against a town the moment before such town is dissolved under the provisions hereof shall constitute and be a claim against the county in which such town was located and which has assumed the debts and taken charge of the assets of such town. Suit may be brought against such county for any such claim against the town and it shall be no defense in such proceeding that the defendant is the county; in all such cases the county shall be subject to suit to the same extent and in the same manner as the dissolved town and judgments resulting therefrom may be enforced against the county as judgments are enforced against municipalities generally. Any defense which would be available to the town shall likewise be available to the county.

Nothing in this chapter shall be construed to affect any contractual or vested right against a county adopting either of the forms of organization and government herein provided or any such right against a town dissolved in accordance herewith; all such rights shall be enforceable against and collectible from the county as if it were a municipality.

In any town in which a majority of the voters vote against dissolving

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the charter of such town, the charter of such town shall not be dissolved and such charter shall remain in full force and effect.

§ 15-384.72. After the date of adoption of either of the urban county forms of government, no unincorporated community shall be incorporated as a town or city within the limits of the county, whether by judicial proceedings or otherwise.

§ 15-384.73. After the date of adoption of either of the urban county forms of government, a city contiguous to or within the limits of a county adopting the same may petition, by action of its governing body, to become a part of such county on terms set forth in a resolution adopted by the urban county board of supervisors. A referendum within the petitioning city shall constitute approval of the city becoming a district of the county or a part or parts of one or more districts and action of the urban county board of supervisors shall constitute final approval thereof by the county.

Article 6.

District Commissions

§ 15-384.74. Within ninety days after the adoption of either of the forms of government set forth in this chapter, the county board of supervisors, after holding a public hearing thereon, shall divide the county into from five to eleven districts. The division shall be based on considerations of size, community of interest and the need for services not required on a county-wide basis, and shall be as nearly equal as practicable in population. Under this form of county organization and government in accordance with the powers vested in the General Assembly in Section 110 of the Constitution of Virginia, districts may be of any reasonable area and are not limited by the provisions of Section 111 of the Constitution.

These districts shall serve as (a) election units for members of the district commissions, (b) the electoral divisions for election of members of the urban county board of supervisors, (c) sanitary districts under the provisions of Article 7, and (d) shall have such other functions as are specified herein.

§ 15-384.75. Within ninety days after the publication of the official results of each United States decennial census, the urban county board of supervisors shall make such changes in district boundaries as are required to meet the tests of equitable population distribution among the districts, with a minimum disruption of the then existing district pattern of service and the board may redistrict not more than once in the interim between official decennial census provided such redistricting is based upon a census taken by the Bureau of Census of the United States Department of Commerce.

§ 15-384.76. If a majority of the qualified voters voting in an election called and held as hereinbefore provided have voted in favor of service district commissions, the provisions of this article set forth in this section and § 15-384.77 shall be applicable to the county. (a) When either form of county organization and government provided herein shall have been adopted by any county the voters of each district thereof, except those residing in any town, shall elect a district commission of five members. Each member shall be a qualified voter of his district.

(b) The first commission shall be elected at the regular November election next succeeding the adoption of either form provided herein and their successors shall be elected at the regular November election each fourth year thereafter. The members shall take office the following January first and shall serve for four years and until their successors take office.

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§ 15-384.77. Each district commission shall have the power to:

(1) Select its own chairman and adopt rules of procedure established by the board of supervisors;

(2) Fill vacancies on the district commission which may occur between elections; provided that any person appointed to fill a vacancy shall serve only until December thirty-one following the next general election, unless the vacancy occur within the sixty days immediately preceding such general election, in which event the person appointed shall serve until December thirty-one of the following year; successors to such persons shall be elected at the general election in November prior to the December thirty-first on which their terms expire for the unexpired term or for a full term as the case may be;

(3) Prepare and make public recommendations in the fields of planning and zoning, which recommendations shall have a place on the agenda of the urban county board of supervisors;

(4) Determine the number, type, and extent of the services to be provided within the district and at district expense by the county through the sanitary district or otherwise, subject to Article 7 hereof, until such time as the service shall be provided by the county on a uniform county-wide basis;

(5) Perform any duties and functions delegated to such district commissions by the urban county board of supervisors;

(6) Receive such compensation and expenses as may be fixed by the county board of supervisors and be furnished by the county board of supervisors with such assistance and funds for its purposes as such board of supervisors deems necessary.

Article 7.

Sanitary Districts Within Urban Counties

§ 15-384.78. (a) Notwithstanding any other provision of law, no court within any county having the form of county organization and government herein provided shall entertain any petition filed for the creation, enlargement, contraction, merger, consolidation or dissolution of a district authorized to be created in accordance with the provisions of Chapters 2, 6, 7, or 8 of Title 21 of the Code of Virginia, Chapter 161, Acts of the Assembly 1926 as amended or any other law providing for the creation of those subdivisions referred to generally as sanitary or small districts hereinafter referred to as "sanitary districts". No petition for the creation, enlargement, contraction, merger, consolidation or dissolution of a sanitary district filed by any person or group of persons shall be of any effect and any court in which same may be filed shall forthwith strike the same from its dockets and no further proceedings thereon shall be had.

(b) Notwithstanding any other provision of law, in any county having the form of county organization and government herein provided, each district created under the provisions of § 15-384.74 shall be a sanitary district with all the rights and powers conferred on sanitary districts by general law, the same to be exercised pursuant to the provisions of subsections (d) and (e) below.

Every sanitary district existing in the county shall be dissolved on the date that either of the forms of government herein go into effect and each shall at that time be recreated as a small district or small districts within the respective sanitary districts. The county shall assume the liabilities of the sanitary district and shall own all its properties and the existing assets less the liabilities assumed of such sanitary district shall be used by the board of supervisors as a factor in establishing service charges within the small district or small districts. The services provided

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by the former sanitary districts shall be continued by the county in the new small districts unless changed by the district commissions under subsection (e) below.

(c) Notwithstanding any other provision of law, in any county having the form of county organization and government herein provided, the county board of supervisors shall have the power and authority with regard to the creation, enlargement, contraction, merger, consolidation or dissolution of small districts and local districts within such county that is granted to the circuit court of the county in connection therewith by Title 21 of the Code of Virginia and by Chapter 161 of the Acts of the Assembly of 1926 as amended.

(d) A district commission, whenever it is of the opinion that a small district should be created, enlarged, contracted, merged, consolidated or dissolved within such district or partly within such district and partly within another district, shall have the power to file with the county board of supervisors a resolution seeking the creation, enlargement, contraction, merger, consolidation or dissolution of a sanitary district and specifying the services required by the citizens of such district and not by the county at large. Such resolution shall set forth the services already provided in such sanitary district, the charges therefor, the bonds if any outstanding in connection therewith, and such other matters as the county board of supervisors may require in connection with the filing with it of such a resolution by a district commission. Upon receipt of any such resolution by the county board of supervisors it shall set a time and place for hearing the same not less than 30 or more than 90 days from the receipt of such resolution. Notice thereof shall be given by publication in some newspaper published or having general circulation in the county. At the time and place specified by the county board of supervisors it shall hold a hearing on the desirability of creating, enlarging, contracting, merging, consolidating or dissolving as the case may be, such sanitary district. The resolution of the district commission seeking the creation, enlargement, contraction, merger, consolidation or dissolution of a sanitary district shall be approved unless three-fourths of the members elected to the county board of supervisors disapprove the same in a recorded vote. Upon approval the county board of supervisors shall establish, enlarge, contract, merge, consolidate or dissolve such district by an order setting forth therein the change.

(e) Upon the request of a district commission to the county board of supervisors for services to be provided in such district or small district, the county board of supervisors shall take such steps as may be necessary to provide such requested services and provide same as soon as practicable unless such request is disapproved by three-fourths of the members elected to the county board of supervisors. Except as otherwise provided by this Chapter, in providing such services the county board of supervisors shall have such power and authority and be subject to such limitations as is provided by general law and specifically by Chapter 161, Acts of Assembly, 1926 as amended.

Article 8.

Separability

§ 15-384.79. Notwithstanding any of the provisions contained herein dealing with forms of county organization and government, all existing agreements and contracts now in force between counties adopting any of the forms of government herein provided and other counties or municipalities shall continue in full force and effect and be as binding as if no change had been effected.

§ 15-384.80. In the event that any portion, section, or provision of

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this chapter shall be declared illegal, invalid, or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section, or provision hereof, but all parts of this chapter not expressly held to be invalid shall remain in full force and effect.

CHAPTER 383

An Act to amend and reenact § 24-345.3, as amended, of the Code of Virginia, relating to absentee voting by members of the armed forces in time of war, so as to provide for the qualification of candidates for certain offices in primaries and general elections.

[S 62]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 24-345.3, as amended, of the Code of Virginia, be amended and reenacted, as follows:

§ 24-345.3. Notwithstanding all other provisions of this title, during the effective period of this chapter all declarations of candidacy, except for *county, city and* town offices, required by chapter 14 (§ 24-346 et seq.) of this title to be filed by candidates in primary elections shall be filed at least ninety days before the date of the primary. The party chairman or other officer or officers with whom such declarations of candidacy are filed, in addition to certifying the names as now required by law, shall certify within not less than ten days to the State Board of Elections, hereinafter referred to as Board, the names of all primary candidates for any office to be filed by election by the voters of the State at large or of any Congressional district, House of Delegates district *or* State Senatorial district *.

During the effective period of this chapter all political parties desiring to nominate candidates for said offices shall make and complete their nominations in the manner provided by law on or before the Tuesday after the second Monday in July next preceding the election for such offices unless a second primary be required, in which event any party for which such second primary is required shall complete its nominations on the fifth Tuesday following the first primary, and the proper authorities of each political party shall certify the names of its candidates to the chairman of the electoral board, if required, and to the Board not later than ten days after * *the Tuesday after the second Monday in July, or if a second primary was held not later than ten days after the date of such second primary.*

All candidates for said offices other than party nominees shall file *with the* Board their notices of candidacy and petitions, if * *notices and petitions* are required by chapter 8 (§ 24-130 et seq.) of this title, within * *the time allowed herein for filing by party nominees,* and also with the clerk or other officer, * *as may be* required by law. The name of no candidate for any office required by this section to be certified to the Board whose name is not so certified, or whose notice of candidacy, if the filing of such a notice is required by such chapter of * *this title,* is not filed within the time required by this section, shall be printed on any official ballot for said election.

2. An emergency exists and this act shall be in force from its passage.

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CHAPTER 384

An Act to provide that it shall be unlawful to construct, install or maintain certain electric fences for use upon lands used for agricultural purposes; to define "electric fences", and to provide a penalty for violations.

[S 78]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be unlawful for any person to construct, install or maintain for use upon any land used for agricultural purposes, or for any person exercising supervision or control over any such land to permit any other person to construct, install or maintain for such use, any electric fence without the use of a controlling device operating from a power source not exceeding one hundred twenty-five volts and delivering to the fence intermittent current of a value not in excess of five hundred milliamperes maximum peak, and no more than one hundred fifty milliamperes for any period of one ten thousandth of a second and ten milliamperes for any period of one-tenth second; provided, that if the controlling device is of the continuous delivery design, the current value delivered to the fence from the controller shall not exceed five milliamperes. However, if an appropriate safety device is provided which will interrupt the circuit in no more than five seconds the steady current value shall not exceed twenty-five milliamperes.

§ 2. As used in this act, "electric fence" means a fence designed to conduct electric current along one or more wires thereof so that a person or animal touching any such wire or wires will receive such electric current.

§ 3. The violation of any provision of this act shall constitute a misdemeanor.

CHAPTER 385

An Act to amend and reenact § 37-128, as amended, of the Code of Virginia, relating to board of certain State hospital and colony patients in private homes.

[S 113]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 37-128, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 37-128. The superintendent of each State hospital and colony may place at board * in a suitable family in this State approved by the State Hospital Board and under such rules and regulations as to it appear proper, any patient in the hospital or colony who is quiet and not dangerous, nor committed as an inebriate, nor addicted to the intemperate use of narcotics or stimulants. The cost * of the board and lodging of such patients * shall not exceed twenty dollars a week for each patient. *Any patient so placed at board or the estate of any such patient or the person legally liable for the support of any such patient shall be liable for the cost of the board and lodging of such patient; provided, however, that the State Hospital Board shall ascertain the financial condition and estate of such patient, his present*

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and future needs and the present and future needs of his lawful dependents and, whenever deemed necessary to protect him or his dependents, may agree to accept a sum for his board and lodging less than the sum of twenty dollars a week or the cost of his board and lodging. In any case where the State Hospital Board determines to accept a sum less than twenty dollars a week or the cost of the board and lodging of any such patient, the remainder of the cost of such board and lodging shall be at the expense of the Commonwealth. Bills for board and lodging of any such patient shall be payable monthly by such patient or the person legally liable for his support. Payment thereof shall be made to the superintendent of the hospital or colony having custody or control of such patient who shall forthwith pay all funds so collected into the general fund of the State treasury; provided, however, that the estate of such patient shall not be depleted below the sum of two thousand five hundred dollars ($2,500.00).

CHAPTER 386

An Act to amend and reenact §§ 37-125.1 and 37-125.5, as amended, of the Code of Virginia, relating to limit of liability for maintenance of patients at certain hospitals and colonies, and to contracts for the maintenance of such persons.

[S 114]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 37-125.1 and 37-125.5, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 37-125.1. Any person who has been or who may be committed or admitted to any hospital for the mentally-ill or colony for the epileptic or the mentally-deficient and any person admitted or committed for drug addiction or the intemperate use of alcohol, or the estate of any such person or the person legally liable for the support of any such person, shall be liable for the expenses of his care, treatment and maintenance in such institution. Such expenses shall not exceed the actual per capita cost of maintenance, or the sum of * *one hundred twenty-five* dollars per month, whichever amount is the lesser, and shall be fixed by the Department of Mental Hygiene and Hospitals, but in no event shall recovery be permitted for amounts more than five years past due.

§ 37-125.5. The Department may contract with any patient's parent, guardian, trustee, committee, or the person legally liable for his support and maintenance, and in arriving at the amount to be paid, the Department shall have due regard for the financial condition and estate of the patient or inmate, his present and future needs and the present and future needs of his lawful dependents, and, whenever deemed necessary to protect him, or his dependents, may agree to accept a monthly sum for his maintenance less than the sum of * *one hundred twenty-five* dollars per month, or the actual per capita cost of his maintenance. All contracts made by and between the Department and any person under legal disabilities or any person acting in a fiduciary capacity for any such patient providing for the payment of the expenses of such patient in any such institution, shall be subject to the approval of any court of record having jurisdiction over the incompetent's estate or for the county or city of which he is a legal resident, or from which he was legally committed; *provided, however, that the Department shall not require any patient's parent, guardian, trustee, committee, or the person legally liable for his support*

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and maintenance to deplete the patient's estate below the sum of two thousand five hundred dollars ($2,500.00).

CHAPTER 387

An Act to amend the Code of Virginia by adding a section numbered 37-230.1, to provide for disposal of unclaimed personal property of certain patients in State hospitals and colonies.

[S 115]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 37-230.1 as follows:

§ 37-230.1. If any patient of a hospital or colony as defined in § 37-1.1, upon being released or having escaped, leaves any article or articles of personal property, including bonds, money and any intangible assets, in the custody of such hospital or colony, the superintendent thereof may, in his discretion, after the lapse of three years from the date of such release or escape, if no claim therefor has been made by the owner, sell such personal property, either at public or private sale, if the same be not of a value greater than one hundred dollars. Whenever such sale or sales are made, the superintendent shall deposit the net proceeds thereof in the Patients Welfare Fund and the same shall become a part of such fund.

CHAPTER 388

An Act to amend and reenact § 16.1-158 of the Code of Virginia, relating to jurisdiction of juvenile courts.

[S 173]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-158 of the Code of Virginia be amended and reenacted as follows:

§ 16.1-158. The judges of the juvenile court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the corporate limits of such cities. Except as hereinafter provided, each juvenile and domestic relations court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the corporate limits of said city, concurrent jurisdiction with the juvenile court or courts of the adjoining county or counties over all cases, matters and proceedings involving:

(1) The custody, support, control or disposition of a child:

(a) whose parent or other person legally responsible for the care and support of such child is unable, or neglects or refuses when able so to do, to provide proper or necessary support, education as required by law, or medical, surgical or other care necessary for his well being;

(b) who is without proper parental care, custody or guardianship;

(c) who is abandoned by his parent or other custodian;

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(d) whose parent or parents or custodian for good cause desire to be relieved of his care and custody;

(e) whose custody or support is a subject of controversy, provided, however, that in such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-161 hereof;

(f) whose occupation, behavior, environment, condition, association, habits or practices are injurious to his welfare;

(g) who deserts or is a fugitive from his home, or who is habitually disobedient or beyond the control of his parents or other custodian, or is incorrigible;

(h) who being required by law or his parents or custodian to attend school is a willful and habitual truant therefrom;

(i) who violates any State or federal law, or any municipal or county ordinance; provided, however, that in violation of federal law jurisdiction in such cases shall be concurrent and shall be assumed only if waived by the federal court;

(j) whose condition or situation is alleged to be such that his welfare demands adjudication as to his disposition, control and custody, provided that jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction, as provided in § 16.1-161 hereof.

(2) The commitment of a mentally defective or mentally disordered child who is within the purview of this law. Such commitment shall be in accordance with the provisions of chapters 3 (§ 37-61 et seq.), 6 (§ 37-154 et seq.) and 7 (§ 37-176 et seq.) of Title 37 of the Code.

(3) Judicial consent to the marriage of a child or minor, or for his enlistment in the armed forces, or for surgical or medical treatment for a child, who has been separated from his parents or guardian and is in the custody of the court when such consent is required by law.

(4) A minor who is charged with having violated, prior to the time he became eighteen years of age, any State or federal law, municipal or county ordinance, provided that jurisdiction in federal offenses shall be concurrent with federal courts and shall be assumed only if waived by the federal court. Such minor shall be dealt with under the provisions of this law relating to juveniles.

(5) An adult or a person sixteen years of age or over charged with deserting, abandoning or failing to provide support for any person in violation of law.

(6) The enforcement of any law, regulation, or ordinance for the education, protection or care of children; provided, that in any case where a child *over whom the court has jurisdiction* is not qualified to obtain a work permit under other provisions of law, the court may, whenever the judge thereof in his sound judicial discretion deems it for the best interest of such child, grant a special work permit to such child, which permit shall be on forms furnished by the Department of Labor and Industry, but any special work permit granted pursuant to this authority shall be valid only for the employment for which it is issued, and may be restricted in any other manner, or cancelled at any time, by the court which granted the permit; *and such permit shall conform, except as to the age of the child, to the provisions of Chapter 5 of Title 40 of this Code.*

The court shall forthwith transmit a copy of such permit to the Department of Labor and Industry, and shall likewise notify said Department of any subsequent restriction or cancellation of such permit.

(7) The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law which causes or tends to cause a child to come within the purview

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of this law, or with any other offense against a child except murder and manslaughter; provided, that in prosecution for other felonies over which the court shall have jurisdiction, such jurisdiction shall be limited to that of examining magistrate.

(8) All offenses except murder and manslaughter committed by one member of the family against another member of the family; and the trial of all criminal warrants in which one member of the family is complainant against another member of the family, provided, that in prosecution for other felonies over which the court shall have jurisdiction, said jurisdiction shall be limited to that of examining magistrate. The word "family" as herein used shall be construed to include husband and wife, parent and child, brothers and sisters, grandparent and grandchild; and

(9) Any violation of law the effect or tendency of which is to cause or contribute in any way to the disruption of marital relations or a home.

CHAPTER 389

An Act to amend the Code of Virginia by adding a section numbered 19-137.1, to provide for preliminary examinations of persons arrested upon a warrant charging a felony and to provide for waiver thereof.

[S 310]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 19-137.1 as follows:

§ 19-137.1. No person who is arrested on a charge of felony shall be denied a preliminary hearing upon the question of whether there is reasonable ground to believe that he committed the offense and no indictment shall be returned in a court of record against any such person prior to such hearing unless such hearing is waived in writing.

2. An emergency exists and this act in in force from its passage.

CHAPTER 390

An Act to amend and reenact § 63-101, as amended, defining terms used in the Virginia Public Welfare and Assistance Law, so as to specifically include hospitalization as an element of medical care in the definitions of certain categories of public assistance.

[H 42]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 63-101, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 63-101. The following terms, whenever used or referred to in this law shall have the following meaning, unless a different meaning clearly appears from the context:

(a) "Applicant" means a person who applies for public assistance, or for whom assistance is applied for, under this law, except that in Chapter 6 of this title it means a person who applies for old age assistance,

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and in Chapter 8 of this title it means a blind person who applies for aid to the blind or for whom aid to the blind is applied for, under this law;

(b) "Aid" in Chapter 7 of this title means aid to dependent children; "aid" in Chapter 8 of this title means aid to the blind;

(c) "Aid to dependent children" means money payments with respect to a dependent child or dependent children, or for medical care *(including hospitalization)* on behalf of such child or children;

(d) "Aid to the blind" means money payments to blind individuals, or for medical care *(including hospitalization)* on behalf of such persons;

(d1) "Aid to the permanently and totally disabled" means money payments in accordance with § 63-220.1 of the Code of Virginia to a person who is disabled, or for medical care *(including hospitalization)* on behalf of such person;

(e) "Assistance" means old age assistance;

(f) "Blind person" means an individual who has, with correcting glasses, twenty/two hundredths vision or less in the better eye;

(g) "Commission" means the Virginia Commission for the Visually Handicapped;

(h) "Commissioner" means the State Commissioner of Public Welfare;

(i) "Dependent child" means a child under the age of sixteen or, if regularly attending school, under the age of eighteen, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt in a place of residence maintained by one or more of such relatives as his or their own home;

(j) "Federal Social Security Board" means the Social Security Board created under Title VII of the Federal Social Security Act, enacted by the Congress of the United States and approved August fourteenth, nineteen hundred and thirty-five, and any department or agency which may hereafter be designated or created as the successor of such Board;

(k) "General relief" means money payments and other forms of relief provided for in Chapter 9 of this title;

(l) "Local board" means the local board of public welfare in each county and each city of the second class, and the officer in charge of the department or division of public welfare in a city of the first class, as provided in §§ 63-50 to 63-60;

(m) "Local superintendent" means the local superintendent of public welfare provided for in §§ 63-75 to 63-85;

(n) "Old age assistance" means the money payments to needy persons sixty-five years of age or older, as provided for in Chapter 6 (§ 63-115 et seq.) of this title, or for medical care *(including hospitalization)* on behalf of such persons;

(o) "Person" means an individual;

(p) "Public assistance" means and includes assistance, old age assistance, aid, aid to dependent children, aid to the blind, aid to the permanently and totally disabled, and general relief;

(q) "Recipient" means any person who receives public assistance under this law, except that in Chapter 6 of this title it means any person who receives old age assistance, and in Chapter 8 of this title it means any person who receives aid to the blind;

(r) "Secretary" means the executive secretary of the Virginia Commission for the Visually Handicapped;

(s) "State Board" means the Board of Welfare and Institutions;

(t) "Merit system plan" means those rules and regulations promulgated by the State Board in the development and operation of a system

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of personnel administration meeting requirements of the Federal Social Security Board.

CHAPTER 391

An Act to amend and reenact §§ 46.1-267, 46.1-285 and 46.1-319 of the Code of Virginia, relating to lights and sirens on certain emergency vehicles and to regulations for inspection of vehicles.

[H 45]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-267, 46.1-285 and 46.1-319 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-267. Any motor vehicle may be equipped with not to exceed two fog lamps, one passing lamp, one driving lamp, two side lamps of not more than six candle power; interior light of not more than fifteen candle power; vacant or destination signs on vehicles operated as public carriers, and signal lamps.

Any police vehicle, fire department vehicle, *vehicle owned or operated by a member of a volunteer fire company,* ambulance, any rescue vehicle whether publicly or privately owned used for emergency calls, and any vehicle used for the principal purpose of towing disabled vehicles or in constructing, maintaining and repairing public highways or utilities on or along public highways, may be equipped with flashing, blinking or alternating warning lights of a type approved by the Superintendent. The Superintendent may limit the number of vehicles to be equipped with such warning lights owned by any one department, association or person.

In addition to the foregoing, the Superintendent, upon application of the chief of any volunteer fire * *company shall authorize the issuance of* permits to * members of any volunteer fire * *company,* designated by the chief in such application, to equip one privately owned vehicle each with warning lights for use in emergency calls. *Provided, however, that any such device, which may be approved by the Superintendent for use by members of a volunteer fire company on private vehicles, shall be installed on only one vehicle of such member and used by him only in answering emergency calls of the fire company. It shall be unlawful for any member of a volunteer fire company to install such a light without first obtaining a permit or to use the light for any other purpose than answering a fire call of his company. Any person violating the provisions of this section shall be guilty of a misdemeanor.*

No motor vehicle shall be operated on any highway which is equipped with any lighting device other than lamps required or permitted in this article or required or permitted by the Superintendent.

§ 46.1-285. Every police vehicle and fire department vehicle and every ambulance or rescue vehicle used for emergency calls shall be equipped with a siren or exhaust whistle of a type not prohibited by the Superintendent. *The Superintendent, upon application of the chief of any volunteer fire company shall authorize the issuance of permits to not more than three officers of such volunteer fire company, designated by the chief in such application, to equip their respective privately owned motor vehicles with a siren of a type not prohibited by the Superintendent, for use in emergency calls of the fire company only; provided that no person shall so equip more than one such motor vehicle.*

It shall be unlawful for any member of a volunteer fire company to

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install any such siren without first obtaining a permit or to use the siren for any other purpose than answering a fire call of his company. Any meanor.

§ 46.1-319. The Superintendent shall promulgate regulations for *person violating the provisions of this section shall be guilty of a misde-* the inspection of motor vehicles under this title and shall furnish each official inspection station with a printed set of such regulations suitable for posting and such station shall post the same in a conspicuous place in the portion of its premises where such inspections are made and shall cause its employees making official inspections for it and on its behalf to be conversant with such regulations.

The Superintendent shall require that any blinking warning light or siren, installed on any private vehicle of a volunteer fireman under the provisions of §§ 46.1-267 or 46.1-285 be inspected and further, shall require that in the event the permit for such light or siren is not presented, the inspector shall refuse to inspect the vehicle.

CHAPTER 392

An Act to levy excise (sales and use) taxes on certain tobacco products, to-wit, little cigars, cheroots, stogies, cigars, and cigarettes; to provide for the collection and distribution of such taxes and the administration of this act; and to prescribe penalties for violating this act.

[H 53]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

SUBDIVISION 1

SALES TAX

1. § 1. In addition to all other taxes now imposed by law, every person, firm, corporation, or association, within this State, who sells or stores or receives for the purpose of distribution to any person, firm, corporation, or association within this State, little cigars, cheroots, stogies, cigars, or cigarettes, either or all, shall pay to this State an excise tax as hereinafter provided.

There is hereby levied an excise tax on articles containing tobacco enumerated in this subdivision in the following amounts:

(1) Little cigars.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, one cent for each ten cigars, or fractional part thereof.

(2) Cheroots, stogies, cigars, etc.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for three and one-third cents each or less, one dollar per thousand.

(3) Cigars.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than three and one-third cents each and not more than five cents each, two dollars per thousand.

(4) Cigars.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than five cents each and not exceeding eight cents each, three dollars per thousand.

(5) Cigars.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than eight cents each and not exceeding ten cents each, five dollars per thousand.

(6) Cigars.—Upon cigars of all descriptions made of tobacco, or any

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substitute therefor, retailing for more than ten cents and not exceeding twenty cents each, ten dollars per thousand.

(7) Cigars.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than twenty cents each, thirteen dollars and fifty cents per thousand.

(8) Cigarettes.—Upon all cigarettes made of tobacco, or any substitute therefor, one and one-half mills on each such cigarette.

Whenever in this act reference is made to any manufactured tobacco products, manufactured or imported to sell at a certain price, as the basis for computing the tax, it is intended to mean the ordinary, customary, or usual price paid by the consumer for such tobacco products taxable under this act. When the retail or selling price is referred to in this act as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax. When any articles or commodities subject to tax in this act are given as prizes or as premiums, etc., the tax shall be based on the ordinary retail selling price of such articles.

The tax hereby levied shall not apply to free distribution of sample cigarettes in packages containing five or fewer cigarettes; nor to any package of cigarettes customarily donated free of charge by manufacturers of cigarettes to employees in factories where cigarettes are manufactured in this State, when such packages of cigarettes are not taxed by the Federal government.

The tax herein levied shall be paid through the use of stamps herein provided for. Stamps in denominations to the amount of the tax shall be affixed to the box or other container from or in which tobacco products taxed by this subdivision are normally sold at retail. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam; and in case of cigars, and like manufactured tobacco products, where sales are made from the original container, the stamps shall be affixed to the box or container in such a way that the stamps shall be torn in two or mutilated when such containers or boxes are opened for the sale of the tobacco products. In the case of cigarettes, and like products, sold at retail in packages, the required amount of stamps to cover the tax shall be affixed to each individual package or container.

The Department of Taxation shall, by rules and regulations, provide for the manner in which the taxes shall be paid on any unstamped tobacco products as enumerated herein in the hands of wholesalers or retailers on the effective date of this act.

None of the rules and regulations which the Department of Taxation is authorized to promulgate under any provision of this act shall be subject to Chapter 1.1 of Title 9 of the Code of Virginia, the short title of which is "General Administrative Agencies Act".

§ 2. The taxes imposed by this subdivision shall be paid by affixing stamps in the manner and at the time herein set forth. In the case of cigars and like products, the stamps shall be affixed to the box or container in which or from which such products are normally sold at retail. In the case of cigarettes and like products, the stamps shall be affixed to each individual package, bag, box or can. Time allowed for affixing stamps shall be as follows: Every wholesale or retail dealer in this State shall immediately after receipt of any unstamped little cigars, cheroots, stogies, cigars, or cigarettes, cause the same to have the requisite denominations and amount of stamp or stamps to represent the tax affixed as stated herein. The stamping of said little cigars, cheroots, stogies, cigars, and cigarettes, shall actually begin within one hour after receipt of said little cigars, cheroots, stogies, cigars, or cigarettes, in the premises of the wholesale or retail dealer, and said stamping shall be con-

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tinued with reasonable diligence by the wholesale or retail dealer until all of the unstamped little cigars, cheroots, stogies, cigars, or cigarettes, have been stamped; provided, that any wholesale dealer engaged in interstate business who shall furnish surety bond in an amount and of tenor and solvency satisfactory to the Department of Taxation shall be permitted to set aside such a part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this subdivision. Said interstate stock shall be kept in an entirely separate part of the building, separate and apart from stamped stock.

Every wholesale dealer shall at the time of shipping or delivering any tobacco products as enumerated herein make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable article, and shall retain the same subject to the use and inspection of the Department of Taxation or its duly authorized agents for a period of three years. Wholesale and retail dealers shall also keep a record of purchases of all tobacco products enumerated and defined in this subdivision, and hold all books, records, and memoranda pertaining to the purchase and sale of such tobacco products enumerated and defined in this subdivision, open to the inspection of the Department of Taxation or its duly authorized agents at any and all times.

Every wholesale dealer shall furnish to the Department of Taxation a monthly report, between the first and tenth of each month for the preceding month, of all orders for tobacco products enumerated and defined in this subdivision, purchased through said wholesale dealer from without this State on a drop shipment and consigned direct to the person, firm, corporation or association of persons ordering such tobacco products from without this State through such wholesale dealer. If, upon examination of invoices of any wholesale or retail dealer, he is unable to furnish evidence to the Department of Taxation of sufficient stamp purchases to cover unstamped tobaccos as enumerated and defined in this subdivision, purchased by him, the prima facie presumption shall arise that such tobacco products were sold without the proper stamps affixed thereto. Any wholesaler or retailer who fails or refuses to comply with any or all the above provisions, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars, or imprisonment in jail for a period of six months, or both.

§ 3. Any retail dealer of tobacco products enumerated and defined in this subdivision, purchasing, or receiving such commodities from without the State, whether the same shall have been ordered or purchased through a wholesaler in this State, or by drop shipment or otherwise, shall within twelve hours of receipt of such tobacco products, mail by registered mail a true duplicate invoice of all such purchases or receipts to the Department of Taxation, said invoice carrying the name of the person or firm from whom or through whom such purchases or shipments of the tobacco products were so received, showing kinds and quantities. Any retail dealer failing or refusing to furnish duplicate invoices, in both the manner and time allowed, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars for each offense, or imprisonment in jail for a period not exceeding sixty days, or both.

§ 4. All common carriers, contract carriers, buses, and trucks transporting tobacco products may be required under regulations to be prescribed by the Department of Taxation to transmit to the Department of Taxation a periodic statement of such consignments or deliveries of tobacco products showing date, point of origin, point of delivery and to whom delivered, and time of delivery, and all common carriers, buses and trucks shall permit examination by the Department of Taxation, or its agents,

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of their records relating to shipment or receipt of tobacco products. The common carriers, buses and trucks shall permit the examination and investigation of their records of shipment or receipts relating to tobacco products, when and wherever it is deemed advisable and necessary by the Department of Taxation, or its agents, in the enforcement of this subdivision. Inspectors and other duly authorized agents of the Department of Taxation, on proper identification from and authorization by the Department of Taxation, shall make such examination. Any person, firm, corporation, or association of persons, who refuses to transmit to the Department of Taxation the statement hereinabove provided for, or who refuses to permit the examination of his records by the Department or its duly authorized agents, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars for each such offense.

§ 5. It shall be provided by regulations of the Department of Taxation the methods of breaking packages, forms and kinds of containers and methods of affixing stamps that shall be employed by persons, firms or corporations subject to the tax imposed by this subdivision which will make possible the enforcement of payment by inspection, and any person, firm or corporation subject to this tax, engaging in or permitting such practices as are prohibited by regulations of the Department of Taxation or in any other practice which makes it difficult to enforce the provisions of this subdivision by inspection, or if any person, firm or corporation, agent or officer thereof, who shall upon demand of the Department of Taxation, or any officer or agent of the Department of Taxation refuses to allow full inspection of the premises or any part thereof, or who shall hinder or in anywise delay or prevent such inspection when demand is made therefor, or in any way interferes with any agent of the Department of Taxation in the performance of his duties in enforcing this subdivision, shall be deemed to be guilty of a misdemeanor and shall, upon conviction, be fined not less than one hundred dollars, nor more than two hundred dollars for each offense, or imprisonment in jail for a period not exceeding ninety days, or both.

§ 6. It shall be the duty of every person, firm, corporation, or association of persons, receiving, storing, selling or handling tobacco products enumerated herein in any manner whatsoever, to keep and preserve all invoices, books, papers, cancelled checks, or other memoranda touching the purchase, sale, exchange or receipt of any and all tobacco products enumerated herein for a period of three years. All such invoices, books, papers, cancelled checks or other memoranda shall be subject to audit and inspection by any duly authorized representative of the Department of Taxation at any and all times. Any person, firm, corporation, or association of persons who fails or refuses to keep and preserve the records as herein required, or who upon request by a duly authorized agent of the Department of Taxation fails or refuses to allow an audit or inspection of records as hereinabove provided, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, or imprisonment in jail for a period not to exceed ninety days for each offense.

§ 7. Each and every wholesaler qualifying as such with the Department of Taxation shall be required to file a report between the first and tenth of each month, covering the purchase or receipt by them of all tobacco products enumerated and defined herein, during the preceding month. Said report shall give in detail the different kinds and quantities of tobacco products so purchased or received by them during the preceding month. Any wholesaler failing or refusing to file the above report in the manner and time allowed, shall be guilty of a misdemeanor and upon con-

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viction shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense.

§ 8. The Department of Taxation is hereby authorized and directed to have prepared and to sell stamps suitable for denoting the tax on all articles enumerated herein. Any person, firm, corporation, or association of persons, other than the Department of Taxation, who sells tobacco tax stamps, not affixed to tobacco sold and delivered by them, whether the said stamps be genuine or counterfeit, shall be guilty of a felony and punishable as set out in section fourteen of this act. When wholesalers have qualified as such with the Department of Taxation, as provided in section ten of this act, and desire to purchase stamps as prescribed herein for use on taxable tobaccos sold and delivered by them, the Department of Taxation shall allow on such sales of tobacco tax stamps a discount of five per cent.

§ 9. (a) A wholesaler as defined in section ten of this act, and who is duly qualified as such wholesaler under said section, may sell tobacco products enumerated herein without the Virginia revenue stamps affixed thereto, provided such products are sold and shipped or delivered in interstate commerce to a person outside this State, and such wholesaler shall have on file, for a period of three years, subject to inspection by the Department, a record of such sale, and also the original purchase order, and a copy of the invoice therefor, and a receipt from a common carrier, contract carrier, or post office showing shipment for delivery in such other State, or, if delivered by such dealer to the purchaser at a point outside of this State, a receipt showing such delivery in addition to the record, original purchase order and copy of the invoice relating to such sale.

(b) Such duly qualified wholesaler may sell tobacco products enumerated herein without the Virginia revenue stamps affixed thereto, provided: (1) Such products are sold to a person who is engaged in business as a dealer in such products in another state; (2) such products are purchased exclusively for resale in such other state; and (3) such products are at the time of sale properly stamped by the Virginia wholesaler with revenue stamps authorized and issued by such other state for use upon such tobacco products, and such wholesaler shall have on file, for a period of three years, subject to inspection by the Department, a record of such sale, the original purchase order, and copy of invoice therefor, a receipt from such purchaser showing that such purchase was made exclusively for resale in such other state, and a record showing the purchase and use of such revenue stamps of such other state.

(c) Tobacco products enumerated herein may be sold by such duly qualified wholesalers, without revenue stamps affixed thereto, when sold to the United States or to any instrumentality thereof for resale to or for use or consumption by members of the armed services of the United States, provided the books and records, including original purchase orders and copy of invoices showing such sales are kept on file for a period of three years, subject to inspection by the Department.

(d) Tobacco products enumerated herein may be sold by such duly qualified wholesalers, without revenue stamps affixed thereto, when sold and delivered to ships regularly engaged in foreign commerce or coast-wise shipping between points in this State and points outside of this State for resale to or for use or consumption upon such ship or in foreign commerce.

(e) The Department is authorized to adopt rules and regulations with respect to the enforcement of the provisions of this section, to prevent any evasion of the tax herein imposed.

A failure to comply with any provision of this section with respect to any sale of unstamped tobacco products shall subject the wholesaler to the payment of the tax thereon imposed by this act.

Any person, including any firm, corporation, or association of persons,

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who violates any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in jail for a period not to exceed six months, either or both.

§ 10. The phrase "wholesale dealer", as used in this subdivision, shall include persons, firms, or corporations who sell at wholesale only any one or more of the articles taxed herein to licensed retail dealers for the purpose of resale only, or who sell at wholesale to institutional, commercial or industrial users. The phrase also includes chain store distributing places licensed as provided by §§ 58-304 through 58-339 of the Code of Virginia.

The phrase "retail dealer", shall include every person, firm or corporation other than a wholesale dealer, as defined in this section, who shall sell or offer for sale any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales; and all persons operating under a retail dealer's license.

The word "stamps", as used herein, means the stamp or stamps by the use of which the tax levied under this subdivision is paid and shall be designated Virginia revenue stamps. The Department of Taxation is hereby authorized to provide for the use of any type of stamp which will effectuate the purposes of this Act including but not limited to decalcomania and metering devices.

The Department of Taxation shall design the form and kind of stamps to be used and shall duly adopt and promulgate such form of stamps. Such stamps so adopted and promulgated shall be known and termed as "Virginia revenue stamp", and in any information or indictment, it shall be sufficient to describe the stamps as "Virginia revenue stamps". Provided, however, every wholesaler who desires to qualify as such with the Department of Taxation shall make application to the Department on blanks prescribed for this purpose, which shall be supplied upon request. Said application blanks will require such information relative to the nature of business engaged in by said wholesaler, as the Department deems necessary to the qualifying of said wholesaler, which and when being received by the Department it believes said wholesaler to be qualified, shall issue to said wholesaler a permit qualifying him as a wholesaler, as defined in this subdivision and he shall be allowed the discount on purchases of stamps as set out herein for wholesalers purchasing stamps for their individual use. The Department of Taxation shall not sell any stamps or allow any discount on any sale of stamps to any wholesaler until said wholesaler shall have complied with all of the provisions of this section. The Department of Taxation may at any time revoke the permit issued to any wholesaler as hereinabove provided who shall be guilty of violating any of the provisions of this act, or any of the rules of the Department of Taxation adopted and promulgated under authority of this subdivision, and refuse to sell any wholesaler any stamps until such time as his permit shall be restored.

§ 11. Every wholesale dealer in this State shall before shipping, delivering or sending out any one or more articles taxed herein, to any dealer in this State or for sale in this State, cause the same to have the requisite denominations and amount of stamp, or stamps, to represent the tax affixed as stated herein, and every other wholesale dealer shall at the time of shipping or delivering any one or more articles taxed herein make a true duplicate invoice of the same, showing the date, amount and value of each class of articles shipped or delivered and retain a duplicate thereof, subject to the audit and inspection of the Department of Taxation, its authorized agents and representatives, for three years. Wholesale dealers in this State who ship, deliver, or send any one or more articles taxed herein to the United States government, for sale or distribution to any

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military, naval or marine reservation owned by the United States government within this State, shall be required to carry out the provisions set out in this subdivision for such sales or deliveries.

§ 12. Persons failing to properly affix the required stamps to any little cigars, cheroots, stogies, cigars, or cigarettes, shall be required to pay as part of the tax imposed hereunder, a penalty of not less than twenty-five dollars, nor more than five hundred dollars, to be assessed and collected by the Department of Taxation as other taxes are collected. And each article or commodity not having proper stamps affixed thereto as herein required shall be deemed a separate offense. Any little cigars, cheroots, stogies, cigars, or cigarettes in the place of business of any person required by the provisions of this subdivision to stamp the same shall be prima facie evidence that they are intended for sale. The Department of Taxation upon good cause shown may in its discretion remit a part of the penalties prescribed above herein, but in no case shall it accept less than the minimum penalty provided for each offense. Any person, firm, corporation, or association of persons, who has been found guilty of violating any of the provisions of this subdivision and who, after being punished by fine, penalty, assessment or imprisonment, shall be guilty of a second or subsequent violation of this subdivision shall upon being found guilty of such second offense, have his or its permit or revenue license revoked by the Department of Taxation, and no further license or permit shall be issued or granted to such person, firm, corporation, or association of persons for a period of one year from the date the license or permit shall have been revoked.

§ 13. Each and every person, firm, corporation, or association of persons transporting or distributing in any manner whatsoever, any tobacco products as enumerated and defined herein within this State who has not a permit issued under this act, shall, before transporting or distributing any of such tobacco products as enumerated and defined herein, secure a permit from the Department of Taxation. The Department shall before issuing said permit ascertain from the applicant the nature of his business and the names of each county and city to which said applicant desires to transport or distribute tobacco products as heretofore defined. The permit provided herein shall be conspicuously displayed on the vehicle for which it is issued. Failure to properly display the permit as hereinbefore required shall be deemed a violation of this section. Any person, firm, corporation, or association of persons having been issued a permit who engages in any practices which are deemed by the Department of Taxation to be injurious to the collection of the tax provided herein, may have their permit revoked by the Department of Taxation and no further permit shall be issued for six months and not then unless the Department is satisfied it is advisable. Duplicate permit cards will be issued to replace permits lost or damaged upon application and the payment of a fee of one dollar. Any person, firm, corporation, or association of persons found transporting or distributing any tobacco products defined herein, without first securing a permit as provided above, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars for each such offense.

§ 14. Whoever removes or otherwise prepares any Virginia revenue stamp with intent to use, or cause the same to be used, after it has already been used, or buys, sells, offers for sale, or gives away any such washed or removed or restored stamps to any person for using or who used the same, or has in his possession any washed or restored or removed or altered stamp which has been removed from the article to which it has been previously affixed, or whoever for the purpose of indicating the payment of any tax hereunder re-uses any stamp which has heretofore been used for the purpose of paying any tax provided in this subdivision, or

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whoever except the Department of Taxation sells any Virginia revenue stamps not affixed to taxable tobaccos as provided herein, is guilty of a felony and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than a year, nor more than five years, and in addition may be fined not less than one thousand dollars, nor more than five thousand dollars. Whoever manufactures, buys, sells, offers for sale, or has in his or its possession any reproduction or counterfeit of the Virginia revenue stamps provided for in this subdivision, is guilty of a felony and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than a year, nor more than ten years, and in addition, may be fined not less than two thousand dollars nor more than ten thousand dollars.

§ 15. The Department of Taxation shall administer and enforce the taxes imposed by this subdivision. It shall have the power to enter upon the premises of any taxpayer and to examine, or cause to be examined, by any agent or representative designated by it for that purpose, any books, papers, records, or memoranda, etc., bearing upon the amount of taxes payable, and to secure other information directly or indirectly concerned in the enforcement of this subdivision.

§ 16. Any person, firm, corporation, or association of persons, who shall re-use or refill with any tobacco products enumerated herein, any box, package or container from which tobacco products theretofore taxpaid have been removed, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars, nor more than five hundred dollars or imprisoned not to exceed six months, either or both, at the discretion of the court.

§ 17. It shall be unlawful for any person, firm or corporation, except as otherwise provided by law, to sell, purchase, transport, receive or possess any of the articles taxed under the provisions of this subdivision, unless the same has been stamped in the manner required by law, for the purpose of evading the payment of the taxes on such products. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars, to which a jail sentence of not less than thirty nor more than sixty days may be added.

If a person, firm or corporation, who is not a regularly licensed dealer in tobacco products, shall have in his possession within the State more than thirty packages of unstamped cigarettes or more than one box of unstamped cigars, such possession shall be presumed to be for the purpose of evading the payment of the taxes due thereon.

SUBDIVISION 2
USE TAX

§ 18. The following words, terms and phrases when used in this subdivision shall have the meaning ascribed to them in this section, except where the context indicates a different meaning: (1) The term "person" includes any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number. (2) The term "department" means the Department of Taxation. (3) The term "storage" means and includes any keeping or retention in this State for any purpose except sale in the regular course of business or subsequent use solely outside this State of the commodities subject to the provisions of this subdivision. (4) The term "use" means and includes the exercise of any right or power over the commodities subject to the provisions of this subdivision, incident to the ownership of those commodities or by any transaction where possession is given, except that it shall not include the sale of those commodities in the regular course of business. (5) The term "in

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this State" means within the exterior limits of the Commonwealth of Virginia, and includes all territory within such limits owned by or ceded to the United States of America. (6) The term "tobacco product" includes little cigars, cheroots, stogies, cigars, and cigarettes. (7) The term "retail sale" or "sale at retail" shall include all sales except sales by wholesalers to licensed retail dealers or other wholesalers for resale.

§ 19. An excise tax is hereby imposed on the storage, use or other consumption in this State of tobacco products purchased at retail in an amount equal to that set out in section one of subdivision one of this act. Every person storing, using or otherwise consuming in this State tobacco products purchased at retail shall be liable for the tax imposed by this subdivision, and the liability shall not be extinguished until the tax has been paid to this State; provided, however, if said tobacco products have attached thereto the stamps provided in said subdivision one of this act, or if said tax imposed by said subdivision one of this act, has been paid by the seller of such tobacco products, then the tax imposed by this subdivision shall not be due.

§ 20. Every person owning or having in his possession or custody tobacco products, the storage, use or other consumption of which is subject to the tax imposed by this subdivision, shall on or before the tenth day of the month following file with the Department a return for the preceding month in such form as may be prescribed by the Department showing the tobacco products purchased by such person, and such other information as the Department may deem necessary for the proper administration of this subdivision. The return shall be accompanied by a remittance of the amount of tax herein imposed.

§ 21. In case any person subject to the tax imposed by this subdivision fails to make such a return, or makes an incorrect return, the Department, from the best information available to it, shall assess the amount of tax due from such person and mail notice thereof to the taxpayer. Collection of such assessment may be enforced by legal process.

§ 22. It shall be the duty of every person storing, using or otherwise consuming in this State tobacco products subject to the provisions of this subdivision to keep and preserve all invoices, books, papers, cancelled checks, or other memoranda touching the purchase, sale, exchange, receipt, ownership, storage, use or other consumption of such tobacco product for a period of three years. All such invoices, books, papers, cancelled checks, or other memoranda shall be subject to audit and inspection by any duly authorized representative of the Department at any and all reasonable times. Any person who fails or refuses to keep and preserve the records as herein required, or who upon request by a duly authorized agent of the Department fails or refuses to allow an audit or inspection of the records as herein provided, shall be guilty of a misdemeanor and upon conviction be punished accordingly.

SUBDIVISION 3

GENERAL PROVISIONS

§ 23. Erroneous assessments under this act may be corrected and refunds ordered by the Department of Taxation, and the provisions of §§ 58-1118 through 58-1121 of the Code of Virginia shall be applicable thereto. Aggrieved taxpayers may also apply to the appropriate court for the correction of any erroneous assessments under this act, and §§ 58-1130 through 58-1132 and §§ 58-1134 through 58-1139, of the Code of Virginia shall be applicable thereto.

§ 24. All revenue collected under this act by the Department of Taxation shall be promptly paid into the general fund of the State treasury.

§ 25. The cost of administering this act shall be paid out of the

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general fund of the State treasury, and there is hereby appropriated to the Department of Taxation, out of the general fund of the State treasury, for such purpose, for each year of the biennium beginning July first, nineteen hundred sixty, a sum sufficient.

§ 26. Unless adequate office space is provided in a State-owned building for the administration of this act, the Department of Taxation is hereby authorized to rent quarters for the purpose and the cost thereof shall be paid as a part of the cost of administering this act.

§ 27. No provision of this act shall be construed to deprive counties, cities and towns of the right to levy taxes upon the sale or use of tobacco or tobacco products.

§ 28. This act shall be in force for all purposes from August first, nineteen hundred and sixty, until June thirty, nineteen hundred sixty-two; provided, however, that all necessary preparations for administering and complying with this act shall be made before that date, and §§ twenty-five and twenty-six of this act shall be in force from July one, nineteen hundred sixty, until June thirty, nineteen hundred sixty-two.

CHAPTER 393

An Act to amend the Code of Virginia by adding a section numbered 4-15.1, to levy a State tax upon certain alcoholic beverages, providing for the collection of such tax and the payment thereof into the State treasury.

[H 54]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 4-15.1 as follows:

§ 4-15.1. (a) There is hereby levied a State tax (1) upon all alcoholic beverages sold either by or through the Virginia Alcoholic Beverage Control Board, and (2) upon all other wine sold to persons licensed under the provisions of this chapter to sell such wine at retail, subject to the provisions hereafter in this section contained. The State tax hereby levied shall be collected by the Board as to each sale of alcoholic beverages made either by or through the Board from the purchaser of such alcoholic beverages at the time of or prior to such sale; and the State tax hereby levied shall be collected by the Board as to each sale of wine made by a wholesale wine distributor to a retail licensee from the person making such sale. In establishing the prices for items sold by it, the Board shall add the amount of the tax hereby levied to the price of each package of alcoholic beverages; provided, however, that the final price for each package may be established so as to be divisible by five. As to sales by or through the Board, the tax provided for by this section shall be computed by the Board on all net sales for each quarter by dividing the total net sales for the quarter by 1.10 and multiplying the result by ten per centum.

(b) On all wine sold to retail licensees, the State tax imposed hereby shall be ten per centum of the price charged such retail licensees; on all wine sold by the Board to persons other than retail licensees, the State tax shall be ten per centum of the price charged for such wine.

(c) On all other alcoholic beverages sold by or through the Board, the State tax shall be ten per centum of the price charged by the Board.

(d) To enable the Board to collect the State tax hereby levied from wholesale wine distributors, such distributors shall make such reports in such manner and at such times as the Board may from time to time

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require and shall pay the State tax hereby levied to the Board at or prior to each sale of wine to a retail licensee or at such other time or times as the Board shall require.

(e) The amount of tax collected under this section during each quarter shall, within fifty days after the close of such quarter, be certified to the Comptroller by the Board and shall be transferred by him from the special fund described in § 4-23 of the Code of Virginia to the general fund of the State treasury.

(f) The provisions of this section shall not apply to (1) sales of wine to wholesale wine distributors for resale to retail licensees, but the provisions of this section shall apply to such resale, (2) sales, other than by or through Government stores, of alcoholic beverages for manufacturing and industrial purposes, or either of such purposes, (3) sales, other than by or through Government stores, of alcohol for hospital and laboratory purposes, or either of such purposes, (4) alcoholic beverages shipped from Virginia to points outside Virginia for resale outside Virginia, (5) sales to any instrumentality of the federal government, and (6) beer.

(g) The term "wholesale wine distributor", as used in this section, means one who holds a wholesale wine distributor's license issued under the provisions of this chapter. The term "retail licensee", as used in this section, means one who is licensed under this act to sell wine at retail. As used in this section, the term "net sales" shall mean gross sales less refunds to customers. The definitions contained in this chapter shall apply to the words and terms used in this section.

(h) Provided, however, that the counties, cities and towns shall in no event receive from the profits from the sale of alcoholic beverages less cash revenue than was received by such counties, cities and towns for the year ending June thirtieth, nineteen hundred sixty.

2. This section shall be in force from July one, nineteen hundred and sixty, until June thirty, nineteen hundred sixty-two.

CHAPTER 394

An Act for the relief of Lewis Earl Hawkins.

[H 60]

Approved March 30, 1960

Whereas, Lewis Earl Hawkins of Culpeper County on October 16, 1958 was the owner of a herd of cattle which included one certain Angus cow having a market value of two hundred and twenty-five dollars; and

Whereas, the State Veterinarian, by and through his agents and employees, did order said herd of cattle isolated and did cause to be conducted upon said cow, among others, certain tests for Bang's disease, which tests were performed by said agents and employees who then and there used and employed for the purpose, among other things, a certain stanchion, or stall, having doors, or gates, constructed of wood and steel; and

Whereas, said agents and employees, in attempting to prevent the escape of a heifer, did close the said doors or gates, of said stanchion, or stall, upon the right hind leg of said cow, thereby severing said leg approximately six inches above the hoof; and

Whereas, as the direct result of said act, the said cow did die; and

Whereas, the carcass of said cow could not be sold or consumed because said tests had not been completed; and

Whereas, the said herd subsequently was found to be free of Bang's disease; and

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Whereas, the said Lewis Earl Hawkins thereby has suffered a loss of one hundred and fifteen dollars; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. The Department of Agriculture is authorized to pay the sum of one hundred and fifteen dollars to Lewis Earl Hawkins and the said payment may be delivered to the said Lewis Earl Hawkins upon his executing a proper release of all claims against the Commonwealth by reason of the foregoing.

2. An emergency exists and this act is in force from its passage.

CHAPTER 395

An Act to amend and reenact § 63-369.1 of the Code of Virginia, relating to allowance for work done by wards of State training schools, so as to permit similar allowance for wards of the State placed in foster homes by the Department of Welfare and Institutions.

[H 66]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 63-369.1 of the Code of Virginia be amended and reenacted as follows:

§ 63-369.1. The Director may allow every ward of the Bon Air School for Girls, the Janie Porter Barrett School for Girls, the Beaumont School for Boys and the Hanover School for Boys five cents a day for each day of work satisfactory to the superintendent of the school in which such ward is placed. *A similar allowance may be made by the Director to other wards of the State who are placed in foster homes by the Department in lieu of their being assigned to State training schools.* The allowance so made may be drawn upon by the ward for such purposes as may be authorized by the regulations of the Board.

CHAPTER 396

An Act to amend and reenact § 58-12, as amended, of the Code of Virginia, relating to certain real estate and personal property exempted from taxation.

[H 79]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-12, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-12. What property, real and personal, exempt from taxation, State and local.—The following property shall be exempt from taxation, State and local, including inheritance taxes:

(1) Property owned directly or indirectly by the Commonwealth, or any political subdivision thereof, and obligations of the Commonwealth issued since February fourteenth, eighteen hundred eighty-two or hereafter exempted by law.

(2) Buildings with land they actually occupy, and the furniture and furnishings therein, and endowment funds lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious

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worship or for the residence of the minister of any church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(3) Private or public burying grounds or cemeteries and endowment funds, lawfully held, for their care, provided the same are not operated for profit.

(4) Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a State court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by State health officials, incorporated colleges or other incorporated institutions of learning, including incorporated alumni associations thereof beneficially owned by or organized and operated exclusively for the benefit of such incorporated institutions of learning, not conducted for profit, together with the endowment funds thereof not invested in real estate. But this provision shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto. It shall not apply to industrial schools which sell their product to other than their own employees or students.

(5) Real estate belonging to and actually and exclusively occupied and used by, and personal property, including endowment funds, belonging to, Young Men's Christian Associations and other similar religious associations, including religious mission boards and associations, Boy Scouts of America, Girl Scouts of the United States of America, and their subsidiaries, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit but exclusively as charities (which shall be deemed to include hospitals operated by nonstock corporations not organized or conducted for pecuniary profit but which may charge persons able to pay in whole or in part for their care and treatment), and parks or playgrounds held by trustees for the perpetual use of the general public, and also property whether real or personal, owned by any church, religious association or denomination or its trustees or duly designated bishop, minister or other ecclesiastical officer, and used or operated exclusively for religious, denominational, educational or charitable purposes and not for profit and also property whether real or personal, owned by any community club or associations or its trustees, when said property is used or operated exclusively for general and community purposes and not for profit.

(6) Buildings with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(7) Property of the Association for the Preservation of Virginia Antiquities, the Association for the Preservation of Petersburg Antiquities, Historic Richmond Foundation, the Confederate Memorial Literary Society, the Mount Vernon Ladies' Association of the Union, the Virginia Historical Society, the Thomas Jefferson Memorial Foundation, Incorporated, the Patrick Henry Memorial Foundation, Incorporated, the Stonewall Jackson Memorial, Incorporated, George Washington's Boyhood Home Restoration, Incorporated, the posts of the American Legion, posts of United Spanish War Veterans, posts of Veterans of Foreign Wars, posts of the Disabled American Veterans, the Society of the Cincinnati in the State of Virginia, the Manassas Battlefield Confederate Park, Incorporated, the Robert E. Lee Memorial Foundation, Incorporated, Belle Bryan Day Nursery, Incorporated, the American National Red Cross and local chapters thereof, the Virginia Division United Daughters of the Confederacy, the Virginia Association of Workers for the Blind, Incorporated, the General Organization of the United Daughters of the Confederacy, and any corporation organized to establish and maintain a museum or museums, with or without

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a library or libraries, provided such corporation be not operated for any profit, and any real or personal property heretofore or hereafter conveyed to any person, firm or corporation for the sole use and benefit of any organization or society whose property is exempt from taxation under this section, or, any real or personal property, the legal title to which is held by any person, firm or corporation subject to the sole use and occupancy of any organization or society whose property is exempt from taxation under this section which has not agreed to surrender such interest.

(8) Property of Colonial Williamsburg, Incorporated, used for museum, historical, municipal, benevolent or charitable purposes, as long as such corporation continues to be organized and operated not for profit.

(9) Property owned by volunteer fire departments or volunteer rescue squads and used by them exclusively for the benefit of the general public without charge.

(10) Property owned by the Virginia Home for Incurables, incorporated by Chapter five hundred thirty-three of the Acts of the General Assembly of eighteen hundred ninety-three—ninety-four, approved March first, eighteen hundred ninety-four.

CHAPTER 397

An Act to amend the Code of Virginia by adding a section numbered 46.1-180.2, authorizing the governing bodies of certain counties to adopt such ordinances regulating traffic upon the highways of such counties as it deems necessary for the protection of school children, and to prescribe certain limitations.

[H 96]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 46.1-180.2 as follows:

§ 46.1-180.2. Notwithstanding the provisions of § 46.1-180 or any other provision of law, the governing body of any county having a density of population exceeding four thousand per square mile may enact such ordinances for the regulation of traffic upon the highways, other than those that are part of the State Highway System, of such county as it may deem necessary for the protection of children who are pedestrians travelling to or from any regular session of any elementary or secondary school. No such governing body may increase or decrease the speed limit within the boundaries of such county under the provisions of this section, except in accordance with an engineering and traffic investigation by such county and unless such speed area or zone is clearly indicated by markers or signs. No such ordinance shall be deemed violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing or is substantially defaced so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance. No such governing body may provide penalties for violating a provision of an ordinance adopted pursuant to the provisions of this section which are greater than the penalties imposed for a similar offense under the provisions of this title.

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CHAPTER 398

An Act to amend and reenact §§ 58-715 as amended, 58-732 as amended, 58-733 and 58-744 as amended, of the Code of Virginia, relating to Motor Fuels Tax refunds, Special Fuels Tax Act definitions, rate of tax, use of tax proceeds, and to amend the Code of Virginia by adding a section numbered 58-753.3, providing certain refunds.

[H 110]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-715 as amended, 58-732 as amended, 58-733 and 58-744 as amended, of the Code of Virginia, be amended and reenacted, and that the Code of Virginia be amended by adding a section numbered 58-753.3, the amended and new sections being as follows:

§ 58-715. Any person who shall buy, in quantities of five gallons or more at any one time, any motor fuel for the purpose of operating or propelling boats, ships, stationary gas engines, tractors used for agricultural purposes, buses owned and operated by a county or the school board thereof while being used to transport children to and from public schools, equipment of voluntary fire fighting companies within the State actually and necessarily used for fire fighting purposes, equipment of volunteer rescue squads within the State actually and necessarily used for rescue purposes, or motor equipment belonging to cities, towns and counties used exclusively in public activities and shall actually use the same for such purpose or who shall purchase and use any of such fuel for spraying purposes or for cleaning, dyeing or other commercial use, except in motor vehicles operated, or intended to be operated in whole or in part upon any of the public highways, streets or alleys of this State, on which motor fuel the tax or taxes imposed by this chapter shall have been paid, shall be reimbursed and repaid the amount of such tax or taxes paid by such person. Any resident of this State who operates a farm on any island outside the State but within one mile of its boundaries shall be reimbursed and repaid the amount of such tax or taxes paid by such person on motor fuel used for farming purposes on such island. And a refund of two cents per gallon on all motor fuel purchased within the State and consumed in aeroplanes or aircraft in flights over and within the boundaries of this State shall be made and a refund of the full tax paid shall be made on all motor fuel purchased in this State and consumed in aeroplanes or aircraft in flights outside the boundaries of the State, the quantities consumed within and without the State to be determined by the flight logs of each trip and the average consumption of motor fuel per hour per month by each aeroplane or aircraft. *On and after July one, nineteen hundred sixty-one, with respect to all motor fuel and other fuels as are subject to the tax imposed by Chapter 14 (§ 58-731 et seq.) of this Title purchased in this State and consumed in aeroplanes or aircraft in flights over and within the boundaries of this State, a refund in the following graduated amounts shall be made to each user of such fuel. The quantity of such fuel used in aircraft subject to graduated refunds shall accumulate to each user throughout each fiscal year beginning on July first of each year.*

The amount of the refund with respect to all motor fuel and other fuels as are subject to the tax imposed by Chapter 14 (§ 58-731 et seq.) of this title used by any person in flights over and within the boundaries of this State, with respect to the accumulated usage of such fuels during each fiscal year, shall be:

(1) On each gallon of such fuel so used less than one hundred thou-

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sand gallons, a refund per gallon equal to the amount of the tax per gallon less four cents, the intention being that the State shall retain four cents tax per gallon;

(2) On each gallon of such fuel so used more than one hundred thousand gallons and less than two hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less two cents, the intention being that the State shall retain two cents tax per gallon;

(3) On each gallon of such fuel so used more than two hundred thousand gallons and less than three hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less one cent, the intention being that the State shall retain one cent tax per gallon;

(4) On each gallon of such fuel so used more than three hundred thousand gallons and less than four hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less one-half cent, the intention being that the State shall retain one-half cent tax per gallon;

(5) On each gallon of such fuel so used more than four hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less one-quarter cent, the intention being that the State shall retain one-quarter cent tax per gallon.

If the applicant for refund includes with such application a statement that the fuel was used for agricultural purposes, and an authorization for the Commissioner of Motor Vehicles to direct payment to the Agricultural Research and Education Commission of an amount equal to one-sixth of the refund approved for payment, such payment shall be made and a refund of five cents per gallon on all such motor fuel shall be made to the person paying such tax. In the absence of such statement and authorization, the entire amount of the tax shall be made to the person paying such tax. On any island in this State on which no motor vehicle is operated upon any public highways, streets or alleys, the refund provided for by this section may be made to the merchant selling such motor fuel to the consumer.

§ 58-732. The following words, terms and phrases as used in this chapter are, for the purposes thereof, hereby defined as follows:

(1) "Commissioner" shall mean the Commissioner of the Division of Motor Vehicles.

(2) "Division" shall mean the Division of Motor Vehicles, acting directly or through its duly authorized officers and agents.

(3) "Motor vehicles" shall mean and include all vehicles, engines, machines or mechanical contrivances, which are propelled by internal combustion engines or motors upon which or by which any person or property is or may be transported or drawn upon a public highway.

(3a) "Aircraft" shall mean any kind of vehicle designed for navigation in the air.

(4) "Fuels" shall mean and include all combustible gases and liquids, used or intended for use in an internal combustion engine or motor for the generation of power to propel motor vehicles on the public highways *including all types of fuel used in any type of aircraft, rocket or similar device,* except such fuels as are subject to the tax imposed by chapter 13 (§ 58-686 et seq.) of this title.

(5) "Highway" shall mean and include every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this State, including the streets and alleys in towns and cities.

(6) "Person" shall mean and include natural persons and partnerships, firms, associations and corporations.

(7) "Use" shall mean and include, in addition to its original meaning, the receipt of fuel by any person into *an aircraft or* a motor vehicle or into a receptacle from which fuel is supplied by any person to his own or other *aircraft or* motor vehicles.

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(7a) "User" shall mean and include any person who owns or operates any *aircraft or* Diesel propelled motor vehicle or vehicles licensed under the laws of the Commonwealth of Virginia and who does not maintain storage facilities for fueling such *aircraft or* vehicles. The Commissioner may, by regulation, require all such users to be licensed hereunder.

(8) "User-seller" means any person who maintains storage facilities in excess of one hundred gallons and stores fuel therein, and who dispenses such fuel into the fuel tanks of, or attached to, *aircraft or* motor vehicles and shall include any such person who so dispenses fuel for consumption in such *aircraft or* motor vehicles owned, leased or operated by him.

(9) "Supplier" means any person who sells or delivers fuel to a user-seller as herein defined for resale or use; and any person who imports fuel into the State other than in the usual tank or receptacle connected with the engine of the motor vehicle in the operation of which the fuel is to be consumed, and uses the same in a motor vehicle owned or operated by such person; *and any person who sells or delivers any fuel for resale for use in aircraft.*

(10) "Peddler" means any person who neither owns nor operates stationary storage facilities, and who transports fuel from place to place in any vehicle having thereon any tank or other container of more than one hundred gallons capacity, and sells or offers to sell fuel and deliver the same from such vehicle; provided, that any such person who sells fuel to any user-seller or user as herein defined shall be deemed a supplier and as such be subject to all applicable provisions of this chapter.

(11) "Liquid" means any substance which is liquid at temperatures in excess of 60° F. and a pressure of 14.7 pounds per square inch absolute.

(12) "Aviation fuel" means a fuel designed for use in the operation of aircraft and sold or used for that purpose.

§ 58-733. The tax imposed by this chapter is levied for the purpose of providing revenue to be used by this State to defray in whole or in part the cost of construction, reconstruction and maintenance of the public highways of this State and the regulation of traffic thereon, and for no other purpose *except that the Commissioner of the Division of Motor Vehicles shall also pay at the rate of six cents a gallon, less refunds made in accordance with law, for each and every gallon of aviation fuel sold and delivered or used in this State into the treasury, as a special fund, to be disbursed upon order of the State Corporation Commission, on warrants of the Comptroller to defray the cost of the administration of the laws of this State relating to aviation and for the construction, maintenance and improvement of airports and landing fields to which the public now, or which it is proposed shall, have access, and for the promotion of aviation in the interest of operators and the public generally.*

§ 58-744. A tax at the rate of six cents per gallon is hereby imposed upon all fuel sold or delivered by any supplier to any licensed user-seller, or used by any such supplier in any *aircraft or* motor vehicle owned, leased, or operated by him, or delivered by such supplier directly into the fuel supply tank of *an aircraft or* a motor vehicle, or imported by a user-seller into, or acquired tax free by a user-seller or user in this State for resale or use for the propulsion of *an aircraft or* a motor vehicle, *including all types of fuel used or sold for use in any type of aircraft.*

Except that fuel sold to the United States or any of the governmental agencies thereof or to the State of Virginia or any political subdivision thereof shall not be subject to tax hereunder.

§ 58-753.3. Any person who shall buy, in quantities of five gallons or more at any one time, any special fuel for the purpose of operating or propelling any aircraft on which special fuel the tax or taxes imposed by this

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chapter shall have been paid, shall be allowed a partial refund on each gallon of special fuel purchased within the State and consumed in any aircraft in flights over and within the boundaries of this State, which partial refund per gallon of such fuel so used shall be equal to the tax per gallon less four cents, the intention being that the State shall retain four cents tax per gallon; and a refund of the full tax paid shall be made on all special fuel purchased in this State and consumed in aircraft in flights outside the boundaries of the State, the quantities consumed within and without the State to be determined by the flight logs of each trip and the average consumption of special fuel per hour per month by each aircraft. On and after July one, nineteen hundred sixty-one, with respect to all fuels taxable under this chapter and all motor fuels as are subject to the tax imposed by Chapter 13 (§ 58-686 et seq.) of this title purchased in this State and consumed in aeroplanes or aircraft in flights over and within the boundaries of this State, a refund in the following graduated amounts shall be made to each user of such fuel. The quantity of such fuel used in aircraft subject to graduated refunds shall accumulate to each user throughout each fiscal year beginning on July first of each year. The amount of the refund with respect to fuels taxable under this chapter and all motor fuels as are subject to the tax imposed by Chapter 13 (§ 58-686 et seq.) of this title used by any person in flights over and within the boundaries of this State, with respect to each fiscal year's accumulated usage of those fuels, shall be:

(1) On each gallon of such fuel so used less than one hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less four cents, the intention being that the State shall retain four cents tax per gallon;

(2) On each gallon of such fuel so used more than one hundred thousand gallons and less than two hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less two cents, the intention being that the State shall retain two cents tax per gallon;

(3) On each gallon of such fuel so used more than two hundred thousand gallons and less than three hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less one cent, the intention being that the State shall retain one cent tax per gallon;

(4) On each gallon of such fuel so used more than three hundred thousand gallons and less than four hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less one-half cent, the intention being that the State shall retain one-half cent tax per gallon;

(5) On each gallon of such fuel so used more than four hundred thousand gallons, a refund per gallon equal to the amount of the tax per gallon less one-quarter cent, the intention being that the State shall retain one-quarter cent tax per gallon.

Every person who is subject to payment to the State of the tax on aviation fuel under this chapter shall attach a statement to their monthly reports which statement shall show the quantity of aviation fuel on hand the first and last days of the preceding calendar month; the quantity of aviation fuel received, produced, refined or compounded during the month, and the quantity sold, delivered or used during the month.

2. An emergency exists and this act shall be in force from the time of its passage.

CHAPTER 399

An Act to amend and reenact § 20-118, as amended, of the Code of Vir-

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ginia, relating to prohibition against remarriage on dissolution of bond of matrimony.

[H 113]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 20-118, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 20-118. On the dissolution of the bond of matrimony for any cause arising subsequent to the date of the marriage, * *if objections or exceptions are noted or filed to the final decree and a bond is given staying the execution thereof, the court shall decree that neither party shall remarry pending the perfecting of an appeal from said final judgment of the trial court.*

Marriages heretofore celebrated in violation of any prohibition against remarriage shall not hereafter be deemed to be invalid because of the violation of such prohibition, provided that the parties to such a marriage have continued to reside together as husband and wife until the first day of July 1960, or until such time as one of the parties dies prior to July one, nineteen hundred sixty; and provided further, that no litigation pending on the effective date hereof shall be affected hereby.

CHAPTER 400

An Act to amend and reenact §§ 51-111.22, 51-111.27, 51-111.31 as amended, 51-111.32, and 51-111.33 of the Code of Virginia, the sections being parts of the Virginia Supplemental Retirement Act and relating, respectively, to actuarial investigations and valuations, persons composing membership in the Retirement System, and participation of localities in the System.

[H 133]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 51-111.22, 51-111.27, 51-111.31 as amended, 51-111.32 and 51-111.33 of the Code of Virginia, be amended and reenacted as follows:

§ 51-111.22. At least once in each * *five*-year period, the Board shall cause an actuarial investigation to be made of all of the experience under the retirement system. Pursuant to such investigations the Board shall, from time to time, revise the actuarial bases of the rates of employer contributions prescribed under this chapter.

The Board shall cause an annual valuation to be made of the assets and liabilities of the retirement system, *other than with respect to employers under Articles 4, 4.1 and 4.2, in which case the valuation shall be as provided in the respective Articles,* and shall prepare an annual statement of the amounts to be contributed by the employers under this chapter.

The Board shall also publish annually such valuation of the assets and liabilities and a statement of receipts and disbursements, of the retirement system.

§ 51-111.27. Membership in the retirement system shall consist of the following:

(1) All persons who become employees after March one, nineteen hundred fifty-two with the exception of a person who has attained age sixty and thereafter becomes an employee unless then a member and

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being reemployed, *and except as otherwise provided in § 51-111.32*; and

(2) All persons who are employees upon such date in service or on leave from service, and all persons not in service and credited with thirty or more years of service in the abolished system; provided that a person who is an employee on March one, nineteen hundred fifty-two, but is not a member of the abolished system because of having elected not to be included shall become a member of the retirement system only upon electing coverage therein.

§ 51-111.31. The governing body of any county, city or town, and the commission, directing or governing body of any political entity, subdivision, branch or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly and subdivision of any of the foregoing, may, by resolution legally adopted and approved by the Board, elect to have *those of* its *officers and* employees *who are regularly employed full time on a salary basis, whose tenure is not restricted as to temporary or provisional appointment,* become eligible to participate in the retirement system. *Clerks of the court of record and deputies, or employees of any such officer shall be included in the coverage group.* Acceptance of the employees of such an employer for membership in the retirement system shall be optional with the Board and if it shall approve their participation, then such employees may become members of the retirement system and participate therein as provided in the provisions of this article. Notwithstanding anything to the contrary, employees of such employer who are members of any retirement, pension or benefit fund partially or wholly supported by public funds shall not be entitled to become members of the retirement system on that part of their compensation covered by such fund except as provided under § 51-111.34; provided that this limitation shall not apply as to such employees covered by *Federal* Old Age and Survivors Insurance under the Social Security * *Act.* *

§ 51-111.32. Membership in the retirement system for *officers and* employees who * *become* eligible * *under the provisions of* § 51-111.31 shall be optional with *all* such employees in * service on the date the approval is given, *irrespective of age.* * Any such employee who elects to joint the retirement system within one calendar year * *after such date of approval, or, in the case of an officer or employee of a political subdivision for which the date of approval was prior to September one, nineteen hundred fifty-five who is an attorney for the Commonwealth, treasurer, commissioner of the revenue, clerk of court, sheriffs compensated on a fee basis, provided that maximum compensation allowance for the position is established, sergeant, or a deputy or assistant, elected or appointed, or an employee of any such officer, prior to July one, nineteen hundred fifty-eight,* shall be entitled to a prior service certificate covering such periods of * service *prior to such date of approval* as shall be certified as creditable service by his employer for service rendered to such employer, or his predecessor, or the State, or in any other capacity approved by the employer and the Board *. Thereafter service for such employer on account of which the employer and member pay contributions, shall be considered also as creditable service.

§ 51-111.33. Membership in the retirement system shall be compulsory for all employees who are eligible as provided in § 51-111.31 and who enter service of an employer after the date the approval is given, *provided, however, that any such employee who has attained age sixty at date of employment by the employer shall not be a member of the retirement system, unless, through previous employment, he is already a member.*

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CHAPTER 401

An Act to amend and reenact §§ 58-128, 58-373 and 58-443 of the Code of Virginia, respectively, relating to the income tax to be paid by certain corporations, the license tax to be paid by building and loan associations and the charter fees to be paid by domestic corporations; and to repeal § 58-461 of the Code of Virginia, relating to the exemption of certain building and loan associations from the State franchise tax.

[H 138]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-128, 58-373 and 58-443 of the Code of Virginia be amended and reenacted as follows:

§ 58-128. Every domestic corporation organized under the laws of this State and every foreign corporation doing business in this State (except public service corporations which are subject to a State franchise tax or license tax upon gross receipts, insurance companies which pay a State license tax on gross premiums and reciprocal or interinsurance exchanges which pay a premium tax to the State as provided by law, and State and national banks, banking associations and trust companies, * *savings* and loan associations *, credit unions organized and conducted as such under the laws of this State, and religious, educational, benevolent and other corporations not organized or conducted for pecuniary profit) shall pay for each taxable year a tax to be computed by the Department of Taxation upon the entire net income, as herein defined, of such corporation, derived from business done, property located or sources in this State; and such tax is hereby annually levied for each taxable year.

§ 58-373. No * *savings* and loan association * shall, without a license, conduct any business * in this State*.

The * license tax upon every * *stock savings* and loan association * for the privilege of doing business in this State shall be seventy-five dollars, provided the capital of such association * actually paid in * *on shares of stock* is not over twenty-five thousand dollars; if the capital paid in * is over twenty-five thousand dollars, * an additional license tax of three dollars on each *additional* one thousand dollars of such capital, or fraction thereof, * shall be paid. *

* *Every mutual savings* and loan association * shall pay a license tax of fifty dollars.

Each association * on the first day of January of each year, or within ten days thereafter, shall make a report in writing of its capital paid in * under oath of its * *president or secretary*, to the commissioner of the revenue for the county or city in which its * *main* office * is situated.

* *No additional State tax shall be imposed on the capital of any association which has paid the license tax imposed herein.*

No city or town shall levy a greater license tax * than that imposed herein for State purposes and such city or town license tax shall be levied only where the * *main* office of such association * is located. *

§ 58-443. Every domestic corporation other than such as are described in the last preceding section, upon the granting or extension of its charter, shall pay a fee into the State treasury to be ascertained and fixed as follows:

For a company whose maximum authorized capital stock is fifty thousand dollars or less, ten dollars;

For a company whose maximum authorized capital stock is over fifty thousand dollars and less than three million dollars, twenty cents for each one thousand dollars or fraction thereof; and

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For a company whose maximum authorized capital stock is three million dollars or more, six hundred dollars.

* *Mutual savings and loan* associations, mutual insurance companies without capital stock and other mutual companies not organized for strictly benevolent or charitable purposes, however, shall pay twenty-five dollars only for such certificate of incorporation or charter granted; and no fee shall be imposed on corporations organized for religious, benevolent or literary purposes or to conduct a purely charitable institution or institutions.

2. That § 58-461 of the Code of Virginia is hereby repealed.

3. This act shall become effective on July one, nineteen hundred and sixty.

CHAPTER 402

An Act to amend the Code of Virginia by adding in Title 6 thereof a new chapter numbered 3.1, containing §§ 6-201.1 through 6-201.63, entitled "Virginia Savings and Loan Act", to provide generally for the conduct of the savings and loan business and for the authorization, regulation and supervision of those proposing to engage or engaging in such business; and to repeal Chapter 3 of Title 6 of the Code of Virginia, containing §§ 6-140 through 6-201, as severally amended, entitled "Building and Loan Act".

[H 139]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto in Title 6 thereof a new chapter numbered 3.1, containing §§ 6-201.1 through 6-201.63 as follows:

CHAPTER 3.1

VIRGINIA SAVINGS AND LOAN ACT

§ 6-201.1. The short title of the law embraced in this chapter is Virginia Savings and Loan Act.

§ 6-201.2. The powers, privileges, duties and restrictions conferred and imposed upon any savings and loan association existing under the laws of this State on July first, nineteen hundred and sixty are hereby abridged, enlarged or modified, as each particular case requires, to conform to the provisions of this chapter, but nothing in this chapter shall affect the legality of any investment heretofore made or transaction heretofore had under authority of any provision of law in force when such investment was made or transaction had.

Notwithstanding any other provision of law with respect to the rates of interest which may be charged, an association which on September 1, 1959, was operating on a share accumulation loan plan whereby its earnings were equitably distributed to both its borrowers and its shareholders may continue to operate upon the same plan.

§ 6-201.3. The provisions of this chapter apply to Federal Associations insofar as this State has the power to enact legislation with regard to them.

§ 6-201.4. As used in this chapter, unless a different meaning is required by the context, (1) "Commission" means the State Corporation Commission; (2) the word "association" means a savings and loan association incorporated in Virginia under this act or prior acts relating thereto whether called savings and loan associations, or building and loan

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associations or building associations, and a savings and loan association incorporated under the laws of the United States and authorized to conduct its business as a savings and loan association in Virginia; (3) the word "members" means all persons having savings accounts in and all borrowers from and obligors of the association; (4) the word "shares" means the interest of a member having a savings account in the association and the word "shareholder" means a member having such interest; (5) the words "shares of stock" mean the shares of capital stock issued by a stock savings and loan association subject to the provisions of the Virginia Stock Corporation Act and the word "stockholder" means a person holding shares of stock; (6) the words "State Association" mean a savings and loan association incorporated under the laws of the State of Virginia; (7) the words "Federal Association" mean a savings and loan association incorporated under laws of the United States and authorized to conduct its business as a savings and loan association in the State of Virginia; (8) the expression "improved real estate" means real estate on which is located or will within twelve months be located, a home or a combination home and business structure; (9) the expression "other improved real estate" means real estate other than "improved real estate" which produces or will within twelve months produce sufficient income to maintain the property and retire the loan in accordance with the terms thereof; (10) the term "short term savings shares" means a savings account which by its terms will be withdrawn in less than twenty-four months from the date on which the account is opened.

§ 6-201.5. All savings and loan associations which are organized and operated exclusively for the benefit of their members and which do not issue shares of stock shall be deemed to be mutual savings and loan associations. All other associations shall be deemed to be stock savings and loan associations.

§ 6-201.6. The provisions of the Virginia Stock Corporation Act shall apply to all stock savings and loan associations in all cases not inconsistent with the provisions of this chapter. The provisions of the Virginia Non-Stock Corporation Act shall apply to all mutual savings and loan associations in all cases not inconsistent with the provisions of this chapter.

§ 6-201.7. Mutual savings and loan associations heretofore incorporated under the Virginia Stock Corporation Act or prior laws relating to stock corporations shall be subject to and governed by the provisions of the Virginia Nonstock Corporation Act.

§ 6-201.8. Individuals may form a stock savings and loan association upon being incorporated as provided in the Virginia Stock Corporation Act. Individuals may form a mutual savings and loan association upon being incorporated as provided in the Virginia Nonstock Corporation Act.

§ 6-201.9. Every association hereafter incorporated under the laws of this State shall have as a part of its corporate name the words "building and loan association", or "savings and loan association". But no association need comply with the provisions of subdivision (a) of § 13.1-6.

§ 6-201.10. The articles of incorporation of a savings and loan association shall provide that it is organized primarily for the purpose of enabling its members to borrow its funds upon giving security therefor by first mortgages or first deeds of trust upon real estate, for purchasing, making improvements, or removing encumbrances on real estate, and for the accumulation of savings and earnings thereon. Any such association may operate under such plan or plans as its articles of incorporation or by-laws provide. Every association shall within 30 days from the adoption thereof file with the Commission a copy of its by-laws and every amendment thereof.

§ 6-201.11. In stock savings and loan associations the right to vote

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shall be limited to stockholders and may not be conferred on members. In mutual savings and loan associations the right of members to vote may not be conferred or limited by the articles of incorporation, and each shareholder shall be entitled to one vote for each one hundred dollars or fraction thereof in his account on the books of the association and each borrowing or obligor member shall be entitled to cast one vote. Any member who is a shareholder and a borrower or obligor shall be entitled to cast his votes as a shareholder and as a borrower or obligor. But, in no case shall any member be entitled to cast more than 50 votes. Each member may cast his vote in person or by proxy. Every proxy shall be in writing and shall, unless otherwise specified in the proxy, remain in full force and effect until revoked in writing.

§ 6-201.12. Shares of stock issued by an association shall have a par value of not less than ten dollars each and shall be paid for in full in cash at not less than par upon issuance. An association may not purchase, redeem or otherwise reacquire shares of stock that it has issued and may not accept its shares of stock as security.

§ 6-201.13. No association shall agree to pay a fixed amount of dividends upon any shares issued by it.

Dividends upon all shares issued by it may be declared from time to time and shall be at the same dividend rate regardless of the class or kind of shares except that an association may omit dividend payments on share accounts of $10 or less and may omit or may make lower dividend payments on short term savings shares; and except that an association may pay a bonus on all other shares issued by it at least twelve months prior to the date of such bonus, if the holder of such shares has made no withdrawals from his share account during the twelve months prior to the declaration of the bonus.

§ 6-201.14. A subscriber for shares shall not be obligated beyond the amount actually paid in on such shares. Shareholders shall not be liable for debts of the association and shares shall not be subject to assessment, but, in case of the insolvency of an association, all creditors of the association other than shareholders shall be paid in full before any distribution is made to shareholders.

§ 6-201.15. Shares may be repurchased and cancelled as the by-laws direct. No shares in a mutual association may be repurchased at the request of the association unless, at the time of the repurchase, the assets of the association are greater than its liabilities due its members and other creditors; and no shares in such association may be repurchased at the request of the association in contemplation of dissolution. However, if shares in a mutual association are repurchased at the request of the association in contemplation of dissolution the holder of such shares at the time of the repurchase may demand the right to receive the liquidating dividends in excess of the repurchase price of his shares that he would have received if his shares had not been repurchased.

§ 6-201.16. An association may hold, convey and encumber all property, real or personal, acquired in the due course of its business, but may not engage in any mercantile, manufacturing or industrial business, or in the business of buying and selling land or constructing houses or other buildings except as acquired in the due course of business on account of debts due it.

§ 6-201.17. To cover the costs of investigating and processing the loan, an association may charge and collect in advance from the borrower a fee not to exceed that allowed by the Federal Housing Administration, or the Commissioner thereof, under or pursuant to the provisions of the National Housing Act, approved June 27, 1934, and amendments thereto, or by the Veterans Administration, or the Administrator thereof, under

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and pursuant to Title 38 of the United States Code, and amendments thereto, as the same are in effect on the effective date of this act, unless the laws of this State shall otherwise provide for a higher amount, in which case the latter shall be applicable. An association also may require the borrower to pay the reasonable and necessary charges in connection with making the loan, including the cost of title examination, title insurance, recording fees, taxes, insurance, appraisals, credit reports, surveys, drawing of papers and closing the loan. An association also may charge a reasonable penalty to a borrower for making a late payment on his loan provided the amount of the penalty is specified in the contract between the association and the borrower.

§ 6-201.18. Any association in connection with making loans secured by deed of trust is empowered to elect a trustee or trustees at such times and for such terms as may be prescribed by its charter or by-laws; and all the rights, titles, duties and obligations of such a trustee relating to loans secured by deed of trust shall pass by operation of law to his successor or successors in office and every right of the association required to be exercised by or through such trustee or trustees, whether it be the sale of property or some other act or acts, shall be done, enforced and carried out by the trustee or trustees in office at the time when such rights are exercised by or for the association. All sales or conveyances heretofore or hereafter made by a trustee or trustees appointed in the manner designated above shall be as valid and binding as though the sale or sales, conveyance or conveyances had been made by the trustee or trustees named in the deed or deeds of trust. A majority of the trustees in office are empowered to conduct sales and make conveyances in pursuance thereof with the same force and effect as though all the trustees had acted; and when there are two trustees either one may act.

§ 6-201.19. Notwithstanding any restriction in its articles of incorporation limiting the number, kinds and classes of shares that it may issue, every association may issue as many shares of any kind or class as its board of directors, by resolution or by-law, determines to issue.

§ 6-201.20. An association is empowered to become a member of the Federal Home Loan Bank and the Federal Savings and Loan Insurance Corporation, and to conform to the provisions, rules and regulations thereof.

§ 6-201.21. An association shall have the right to establish rules governing withdrawals of shares and may from time to time fix the period of notice required to be given for withdrawal.

§ 6-201.22. Shares issued in the name of a trustee for a named beneficiary, when the association has no knowledge or notice of the terms of the trust, shall, in the event of the death of the trustee, be the sole property of the beneficiary and may be withdrawn by him, if he is eighteen years of age or over, without the intervention of a guardian.

§ 6-201.23. Shares may be issued in the name of a minor, and a receipt executed by him shall be a valid and sufficient release and discharge of the association for the amounts paid to him.

§ 6-201.24. When shares are issued in the names of two or more persons, withdrawable by either or by the survivor or survivors, such shares shall be vested in such persons as joint tenants, and the share balances in such account may be paid by the association to any one of such persons or to any one of the survivors, without liability to the others. But if any such person notifies the association in writing not to permit withdrawals by any other such person, the association may refuse, without liability, to honor any withdrawal order pending determination of the rights of the parties. An association paying a survivor in accordance with the provisions of this section shall not thereby become liable for any estate or in-

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heritance taxes. The hypothecation to an association of all or part of such shares signed by any person who is authorized in writing to make withdrawals from the account shall, unless the association has been advised specifically to the contrary, be a valid pledge to the association of those shares and shall not operate to sever the joint ownership of all or any part of such shares.

§ 6-201.25. An association may pay any share balance due a deceased person, or any person under disability, to the personal representative, guardian, curator or committee of such person upon a letter of qualification as such personal representative, guardian, curator or committee, issued by any court of competent jurisdiction of this State, and such letter shall be sufficient authority for such payment. Any association making such payment shall no longer be liable for the amount thereof to any person whomsoever. The presentation of a duly certified letter of qualification as personal representative, guardian, curator or committee shall be conclusive proof of the jurisdiction of the court issuing the same.

§ 6-201.26. When the share balance of a deceased person upon whose estate there has been no qualification does not exceed five hundred dollars, it shall be lawful for the association, after one hundred twenty days from the death of such person, to pay such balance to his next of kin, whose receipt therefor shall be a full discharge and acquittance of the association as to all persons on account of such balance.

§ 6-201.27. Shares issued by savings and loan associations shall not be treated as shares of capital stock for the purpose of computing the franchise tax imposed by § 58-456.

§ 6-201.28. Every association shall build a reserve (viz. net worth) of at least 10% of its total resources; and for the purpose of building this reserve it shall set aside amounts equal to at least 5% of its annual net income during every year that the reserve is less than 10% of its total resources, provided, however, that whenever the reserve of any association at the end of its fiscal year is less than 5% of its share accounts at the beginning of such fiscal year such association shall set aside at such time and at each closing date thereafter an amount at least equal to 25% of its net income or such part of such 25% as may then be sufficient to cause the amount of such reserve account to equal at least 5% of its share accounts at the beginning of said fiscal year. In the case of stock savings and loan associations, the capital stock account, to the extent that the capital has not been impaired, shall be treated as part of the reserve. Provided further that the Commission may temporarily reduce the reserve requirements for an association if it finds such reduction to be in the best interest of the association and its members. An association may retain its undivided profits in such amounts as may from time to time be fixed by resolution of its board of directors.

§ 6-201.29. The assets of an association may be invested in the following ways and in such ways only:

a. In real estate and in equipment necessary for the conduct of its business.

b. In obligations of or obligations guaranteed as to principal and interest by the United States or any agency thereof or of the State of Virginia or any of its political subdivisions.

c. In stock or obligations of Federal Home Loan Banks; in stock or obligations of the Federal Savings and Loan Insurance Corporation; in obligations of the Federal National Mortgage Association through making non-refundable contributions; and, to the extent of not more than 15% of its total assets, in shares of other State Associations or Federal Associations.

d. In loans fully secured by shares of the association.

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e. In loans secured by first liens on improved real estate. No such loan shall exceed $35,000 on each home or combination of home and business property securing the same. No such loan shall exceed ninety per cent of the value of the real estate as appraised by a competent appraiser. Provided that loans insured or guaranteed by a Federal agency may be made on such terms as are acceptable to the insuring or guaranteeing agency. At least sixty per cent of the assets shall be invested in such loans unless, because of exceptional conditions in the real estate market, the Commission permits an association to deviate from this requirement.

Every such loan shall provide that the borrower shall make regular periodic payments of principal and interest, in equal or unequal amounts, the first payment being due not later than twelve months from the date of the first advance in the case of a loan made for the purpose of financing the construction of a home or a combination home and business structure and 60 days from the date of the loan in the case of other loans, until the mortgage indebtedness and the disbursements, if any, made by the association for the payment of taxes, insurance premiums, and other items, together with interest thereon, have been fully paid; provided, however, that no subsequent periodic payment of principal and interest shall be greater than any previous periodic payment of principal and interest, and that no such loan shall be for a longer term than 25 years. Loans insured or guaranteed by a Federal agency may be repayable upon such terms as are acceptable to such agency. The association may compute, charge, and collect interest on monthly balances by computing the same on the preceding monthly balance and adding such interest to that balance plus advances for taxes, insurance, and other lawful charges accruing since the preceding balance, less credits for payments made by the borrower.

f. Up to fifteen per cent of the assets may be invested in secured or unsecured loans to home owners for maintenance, repair, modernization, improvement and equipment of their homes. Such loans shall be payable monthly and shall not be for a term longer than five years and shall not exceed $3,500.

An association may charge and collect in advance the legal rate of interest upon the entire amount of such loan.

g. Up to 20% of the assets may be invested in other loans secured by a first lien on other improved real estate. No such loan shall be for a term longer than 25 years nor in excess of 75% of the value of the real estate as appraised by a competent appraiser.

h. Up to 5% of the assets may be invested in other loans secured by a first lien on unimproved real estate.

§ 6-201.30. Any note evidencing an installment loan made by an association may provide that the entire unpaid balance thereof, at the option of the holder, shall become due and payable upon default in payment of any installment without impairing the negotiability of the note, if otherwise negotiable.

§ 6-201.31. A borrower may anticipate the payment of any loan secured by a first mortgage or deed of trust on real estate on any installment due date; but in case of prepayment before maturity, the borrower shall pay such an amount for the privilege as has been agreed upon, but in no event in excess of a sum equal to two per centum of the amount of such prepayment.

§ 6-201.32. (a) State Associations and Federal Associations, as defined in § 6-201.4 (6) and (7), may purchase from each other or participate with each other in loans on improved real estate. An association may participate in the making of or purchase a participation in a loan on improved real estate made by a savings and loan association that is not authorized to do business in Virginia, not to exceed 50% of the amount of

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the loan, irrespective of where the security for such loan is located, provided that the aggregate amount of such interest in all such loans shall not exceed 20% of the association's assets. An association may sell a participation in a loan made or to be made by it on improved real estate to a savings and loan association that is not authorized to do business in Virginia, provided that the loan is collected and serviced by the Virginia association. An association that is not authorized to do business in Virginia shall not be deemed to be doing business in Virginia solely because of such participation.

(b) An association may purchase any loan it may legally make.

(c) An association shall not engage in the mortgage brokerage business; but an association may sell any loan made by it provided that it is sold without recourse against the association.

§ 6-201.33. An association may not make a loan to a director, officer or employee of the association or to any attorney regularly serving the association in his capacity as such, or to any partnership in which any such director, officer, employee or attorney has any interest, nor to a corporation in which any such person is a stockholder except that a loan may be made to a corporation in which no such person owns more than 15% of the total outstanding stock and in which the stock owned by all such persons does not exceed 25% of the total outstanding stock. Provided, that nothing herein contained shall prohibit an association from making a loan on the security of the shares of such persons in the association or on the security of a first lien on the home or combination of home and business property owned and occupied by such director, officer, employee or attorney.

§ 6-201.34. The affairs of every association shall be managed by a board of directors of not less than five persons, a majority of whom shall be residents of this State. Every director shall be the owner in his own name, and have in his personal possession or control, shares or shares of stock in the association of which he is a director and for which has been paid into the treasury of the association not less than five hundred dollars, and such shares or shares of stock must be unpledged (except as required to be pledged to a Federal Home Loan Bank) and unencumbered at the time of his becoming a director and during the whole of his term as such. The office of any director violating the provisions of this section shall immediately become vacant.

§ 6-201.35. The board of directors of every association shall meet at least once in each month. A majority of the whole board shall be necessary for the lawful transaction of business, except that the members or stockholders, by by-law, may fix any number not less than five as a quorum; provided however, that associations with total assets of less than $500,000 may meet once in every three months unless the Commission for good cause requires them to meet monthly.

§ 6-201.36. The directors of each association shall require a bond with corporate surety from each of the active officers and employees of the association as an indemnity for any loss the association may sustain as a result of his fraud, dishonesty, theft or embezzlement; provided that in lieu of individual bonds a blanket bond with corporate surety covering all active officers and employees of the association may, with the approval of the board of directors, be obtained. The Commission shall annually examine all such bonds and pass on their sufficiency and either the board of directors or the Commission may require new or additional bonds at any time. The corporate surety shall have a license issued by the Commission.

§ 6-201.37. The directors of every such association shall, at least once in each calendar year, cause an examination to be made of the association, and review the internal controls of the association. A statement of

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the results of such examination and review shall be recorded with the proceedings of the board.

§ 6-201.38. A mutual savings and loan association shall give notice of its meetings of members as required by § 13.1-214, and, in addition, a copy of the notice shall be posted in a conspicuous place in each office of the association during the fourteen days preceding the date of the meeting.

§ 6-201.39. (a) Every member shall have the right to inspect such books and records of an association as pertain to his loan or savings account. Otherwise, the right of inspection and examination of the books and records shall be limited to the Commission or its duly authorized representatives, to persons duly authorized to act for the association, and to any federal instrumentality duly authorized to make such inspection. The accounts and loans of members shall be kept confidential by the association, its directors, officers and employees and by the Commission and its agents and representatives. No other person shall have access to the books and records of the association or shall be given a partial or complete list of members except upon express authority of the board of directors.

(b) If any member desires to communicate with the other members of the association with reference to any vote or question to come before a meeting of members, the association shall promptly furnish, upon request, a statement of the approximate number of members of the association and an estimate of the cost of preparing and mailing such communication. The requesting member may then submit the communication to the Commission which, if it finds that the communication should be considered by the members, shall direct the association to forthwith prepare and mail the same to the members, upon the requesting member's or members' payment of the expenses of preparation and mailing.

§ 6-201.40. Before any association may begin business, it shall obtain from the Commission a certificate of authority to do so; and prior to the issuance of such certificate, the Commission shall ascertain that (1) all applicable provisions of law have been complied with; (2) shares to the value of at least $50,000 have been purchased by members who have promised in writing not to withdraw any shares for at least one year, or shares of stock to the value of at least $50,000 have been purchased by stockholders, and the purchase price has been paid into the treasury of the association in cash; (3) regulations governing directors of the association have been complied with; (4) there is public need for savings and loan facilities or additional such facilities in the community where the savings and loan association is proposed to be located; (5) the officers and directors of the proposed association are of (i) moral fitness, (ii) financial responsibility, and (iii) business ability.

Any interested person may appeal to the Supreme Court of Appeals from any order of the Commission granting or denying such certificate of authority. If a certificate is finally denied, the association shall return to the purchasers the amounts they have paid for shares or shares of stock, less such sums as have been necessarily and prudently expended in seeking to obtain a certificate; and the directors individually, jointly and severally, shall be liable for any failure of the association so to do. This liability may be enforced by a suit in equity instituted by one or more of the purchasers on behalf of all against the association and one or more of its directors.

§ 6-201.41. The main office of a savings and loan association is the office at which it first commences to do business. No savings and loan association may establish a branch office nor may it engage in business in more than one place, except that the Commission, when satisfied that the public convenience and necessity will be served, may authorize an association to establish a branch or branches.

The Commission may authorize the removal of a main or branch office

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to another location when it is satisfied that the new location will serve the public convenience and necessity better than the old location.

§ 6-201.42. Two or more mutual associations or two or more stock associations may consolidate or merge, subject to the approval of the Commission, when the Commission finds that the merger or consolidation will promote the best interests of the members and the convenience of the public. The order approving the consolidation or merger shall specify which office is to be the main office and which office or offices may be operated as branch offices.

§ 6-201.43. A mutual State Association may convert into a Federal Association as follows:

(1) At any meeting of the members called and held in accordance with the Virginia Nonstock Corporation Act to consider such action, the members, by an affirmative vote of those holding and voting two-thirds of the votes present in person or by proxy, may resolve to convert the association into a Federal Association;

(2) A copy of the minutes of the meeting duly certified by the president or vice-president and the secretary or assistant secretary of the State Association shall be transmitted to the Commission;

(3) Thereafter, the State Association shall take such action as is necessary under federal law to make it a Federal Association;

(4) It shall file with the Commission a certified copy of the charter issued to it by the Federal Home Loan Bank Board, or a certificate of the Board showing the organization of the State Association as a Federal Association; and the association shall thereupon cease to be a State Association.

(5) No State Association shall convert into a Federal Association until it has been in operation as a State Association for a period of at least five years.

§ 6-201.44. When such conversion becomes effective, the State Association shall cease to be a Virginia corporation and all its property shall by operation of law and without any further act or deed continue to be vested in it under its new name as a Federal Association and under its federal charter; and the Federal Association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by it as a State Association. Such Federal Association, at the time of the taking effect of the conversion, shall become and continue responsible for all of the obligations of the State Association including taxes and other liabilities created by law or incurred by it before becoming a Federal Association to the same extent as though the conversion had not taken place.

§ 6-201.45. A Federal Association doing business in this State may become a State Association as follows:

(1) It shall take such action as will effect its dissolution as a Federal Association on a specified date;

(2) Its directors, before its dissolution becomes effective, shall organize a corporation under this chapter and the Virginia Nonstock Corporation Act; and

(3) The new corporation shall apply for a certificate of authority to do business under § 6-201.40.

§ 6-201.46. The association shall transact no business as a State Association other than that relating to its organization until its certificate of authority to do business has been granted and its dissolution as a Federal Association has become effective.

§ 6-201.47. As soon as the certificate of authority to do business has been granted and its dissolution as a Federal Association has become effective, all the property of the Federal Association shall by operation of

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law and without any further act or deed, be vested in and become the property of the State Association, which shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held or enjoyed by the Federal Association; and the State Association shall become and continue responsible for all the obligations, duties and agreements of the Federal Association including taxes and other liabilities created by law or incurred by it before becoming a State Association to the same extent as though the conversion had not taken place.

§ 6-201.48. No person except corporations chartered and conducting the savings and loan business under the authority of the laws of this State, or corporations hereafter incorporated under the laws of this State for such purposes, shall engage in the savings and loan association business in this State; but nothing in this Chapter shall prevent any person from lending money on real estate or personal security or collateral, or from guaranteeing the payment of bonds, notes, bills and other obligations, or from purchasing or selling stocks and bonds. No savings and loan association shall be incorporated in this State with authority to conduct its business outside of this State, nor shall any savings and loan association incorporated under the laws of any other State be authorized to do business in this State.

§ 6-201.49. (a) No person not engaged in the business of a savings and loan association in this State under the provisions of this chapter shall use any sign having thereon any assumed or corporate name containing the words "savings and loan", "building and loan", or other words indicating that its office is the office of a savings and loan association; nor shall any such person use or circulate any written or printed material having thereon any assumed or corporate name or word or words indicating that the business of such person is that of a savings and loan association.

(b) The use of any of these terms in the name of any other corporation or in connection with any other business is not prohibited when additional words show clearly and definitely that the corporation is not, and that the business is not that of, a savings and loan association.

(c) Any person violating the provisions of this section, either individually or as a partner or as a director or officer of a corporation, shall be guilty of a misdemeanor.

§ 6-201.50. The Commission is authorized and directed to examine the accounts, books and papers of any person who it has reason to believe is doing the business of a savings and loan association without legal authority so to do, and the refusal to submit such accounts, books and papers shall be a misdemeanor.

§ 6-201.51. Every person who does the business of a savings and loan association without authority of law, and every officer and agent who knowingly participates therein, shall be guilty of a misdemeanor.

§ 6-201.52. Whoever, directly or indirectly, wilfully and knowingly makes or transmits to another, circulates, or counsels, aids, procures or induces another to make, transmit or circulate any false or untrue statement, rumor or suggestion derogatory to the financial condition, solvency or financial standing of any savings and loan association doing business in this State, or who knowingly counsels, aids, procures or induces another to make, transmit or circulate any false or untrue statement, rumor or suggestion derogatory to the financial condition, or of derogatory character with respect to the earnings or management of the business, of any such association, shall be guilty of a misdemeanor.

§ 6-201.53. No association shall, without the written approval of the Commission, make any representation, oral or written, that any of its shares are insured or guaranteed unless such shares are insured or guar-

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anteed by an instrumentality of this State or of the United States. No association shall publish any misleading advertisement.

§ 6-201.54. The Commission shall have supervision over all savings and loan associations incorported under the laws of this State and the Commission shall, not less than once in each year and at such other times as in its discretion it deems necessary, without previous notice, examine each such association.

A copy of the report of all examinations shall be furnished to the association and such report shall be presented by the president to the directors at their next meeting.

§ 6-201.55. For the purpose of defraying the expenses of such supervision and examination the Commission shall, on the first day of July of each year, assess against every such association fees as follows: A minimum fee of seventy-five dollars ($75.00) which shall cover the first fifty thousand dollars of assets or less, to which shall be added in the case of each association, according to its total assets, as shown by its statement of financial condition made to the Commission as of the next preceding December thirty-one, additional fees as follows: for the amount by which its total assets exceed fifty thousand dollars and do not exceed one million dollars, two dollars fifty cents on each ten thousand dollars or fraction thereof; for the amount by which its total assets exceed one million dollars and do not exceed three million dollars, one dollar on each ten thousand dollars or fraction thereof; and for all assets over three million dollars, one dollar on each twenty thousand dollars or fraction thereof. Every association having a branch or branches shall be assessed twenty-five dollars per year for each branch.

All fees so assessed shall be paid into the State treasury on or before the thirty-first day of July following. The Commission shall mail the assessment to each association on or before the tenth day of July of each year, and give notice thereof to the Comptroller, and it shall be the duty of the Comptroller to furnish the Commission with the names of the associations which fail to pay the assessment on or before July thirty-first.

Before investigating an application for a certificate of authority pursuant to § 6-201.40 the Commission shall charge a fee of two hundred and fifty dollars.

Before investigating an application for authority to establish a branch pursuant to § 6-201.41, the Commission shall charge a fee of one hundred dollars. But no fee shall be charged for investigating an application for authority to change the location of an existing main office or branch office.

§ 6-201.56. The officers, directors and employees of every association shall, upon the demand of the person designated to make any examination under the provisions of this chapter, give to such examiner full access to all money, books, papers, notes, bills and other evidences of debt of the association and shall disclose fully and truly all of its indebtedness and liability, and shall furnish the Commission with all information which it deems necessary to a full investigation into the affairs of the association.

The Commission is empowered to examine under oath any and all of the directors, officers, clerks, and employees of the association touching any matter or thing connected with the operation of the association. Any examiner is authorized to administer oaths to the persons examined.

§ 6-201.57. Every association shall furnish the Commission within thirty days after the close of its fiscal year a statement of its financial condition on forms supplied by the Commission; and, in addition, shall either mail to each of its members or shall publish in some newspaper having general circulation in the county or city where its business is carried on a statement in condensed form of its financial condition. Such statements shall be made and published in accordance with forms pre-

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scribed by the Commission, certified under oath by the president or treasurer of the association, and attested by at least three of its directors. Insofar as practicable, the reports required by this section shall conform to those required of associations insured by any instrumentality of the Federal government.

Every association shall make such other reports as the Commission may from time to time require.

§ 6-201.58. The Commission may require an association to have an audit made of its books, records and methods of operation, whenever it appears to the Commission that the system of internal controls is not adequate or that the association is engaging in dangerously unsound practices or that the financial condition of the association makes it necessary.

§ 6-201.59. The Commission shall prepare and make available to each member of the board of directors of every association a statement describing generally their duties and responsibilities. The statement shall include a brief outline of the examining procedure employed by the Commission, an explanation of the distinction between an examination and an audit, and any information which the Commission deems necessary to apprise the directors of the necessity for an adequate system of internal controls.

§ 6-201.60. If the Commission finds: (1) that the laws of this State are not being fully observed by an association, or (2) that the association has failed to comply with the lawful orders of the Commission, or (3) that the reserve of the association is insufficient for the protection of shareholders, the Commission shall give immediate notice thereof to the officers and directors of the association; and, if necessary to conserve the assets of the association and protect the interests of its shareholders, the Commission may, after reasonable notice to the association and opportunity for it to be heard: (1) close the association for a period not exceeding sixty days, which period may be further extended for a like period or periods as the Commission deems necessary; (2) require the officers and directors of the association to liquidate, insofar as is required, its outstanding loans; (3) require that all lawful orders of the Commission be complied with; (4) require the association to make reports daily or at such other times as it may require as to the results achieved in carrying out its orders; or (5) if the Commission determines that a receiver should be appointed, it may close the doors of the association and apply to the proper court for the appointment of a receiver to take charge of its business and assets and to wind up its affairs. Proceedings for the appointment of a receiver of an association shall not be entertained by any court except on the application of the Commission.

§ 6-201.61. The Commission may impose, enter judgment for, and enforce by its process, a fine of not more than one thousand dollars against any association or against any of its directors, officers or employees for violating any lawful order of the Commission; and may remove from office any director or officer who a second time violates any such order but in all cases the defendant shall have an opportunity to be heard and to introduce evidence, and the right to appeal as in other cases.

§ 6-201.62. Any officer or agent of such an association who knowingly makes a false statement of the condition of the association to the Commission shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, or be confined in the penitentiary not less than one nor more than ten years, or both.

§ 6-201.63. An association may remain closed on any one or more or all Saturdays as the association by resolution of its directors may from time to time determine. Any Saturday on which an association shall remain closed shall, as to such association, constitute a legal holiday, and any act

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authorized, required or permitted to be performed at, by or with respect to any such association on a Saturday on which the office of the association is so closed, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay.

2. That Chapter 3 of Title 6 of the Code of Virginia containing §§6-140 through 6-201, as severally amended, is hereby repealed.

3. This act shall become effective on July one, nineteen hundred and sixty.

CHAPTER 403

An Act to amend and reenact §§ 4-40 and 4-108 of the Code of Virginia, as amended, relating to the excise tax on beer and 3.2 beverages.

[H 143]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 4-40 and 4-108 of the Code of Virginia, as amended, be amended and reenacted as follows:

§ 4-40. (a) Tax on beer manufactured.—There is hereby levied on all beer manufactured in Virginia an excise tax at the rate of three dollars and ten cents per barrel of thirty-one gallons, and a tax at the same rate on such beer in containers of more or less than thirty-one gallons, but on such beer in bottles of not more than seven ounces each the tax shall be one and one-half cents per bottle, and on such beer in bottles of more than seven ounces each but not more than twelve ounces each the tax shall be two cents per bottle; and on such beer in bottles of more than twelve ounces each, the tax shall be at a rate of one and two-thirds mills per ounce per bottle. Such tax shall be paid by the person who manufactures the beer.

(a-1) In lieu of the tax imposed by paragraph (a) of this section, there is hereby levied for the period beginning July one, nineteen hundred sixty and ending June thirty, nineteen hundred sixty-two, on all beer manufactured in Virginia an excise tax at the rate of four dollars per barrel of thirty-one gallons, and a tax at the same rate on such beer in containers of more or less than thirty-one gallons, but on such beer in bottles of not more than seven ounces each the tax shall be 1⅞ cents per bottle, and on such beer in bottles of more than seven ounces each but not more than twelve ounces each, the tax shall be 2½ cents per bottle; and on such beer in bottles of more than twelve ounces each the tax shall be at a rate of 2-1/12 mills per ounce per bottle. Such tax shall be paid by the person who manufactures the beer.

(b) Tax on beer bottled or sold.—There is hereby levied on all beer bottled in Virginia and on all beer sold in Virginia, an excise tax at the rate of three dollars and ten cents per barrel of thirty-one gallons, and a tax at the same rate on such beer in containers of more or less than thirty-one gallons, but on such beer in bottles of not more than seven ounces each the tax shall be one and one-half cents per bottle, and on such beer in bottles of more than seven ounces each but not more than twelve ounces each the tax shall be two cents per bottle; and on such beer in bottles of more than twelve ounces each, the tax shall be at the rate of one and two-thirds mills per ounce per bottle. The tax herein levied shall be paid by the respective bottlers and wholesalers of the beer, if not previously paid. No such tax shall be collected upon any beer bottled or sold in Virginia when the State excise tax provided for in this section shall have been previously levied, and paid thereon in full; but if on beer bottled in Virginia there shall have been paid by the manufacturer the excise herein

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levied, such bottler shall pay all additional excise taxes which may be due on such beer in bottled form.

(b-1) In lieu of the tax imposed by paragraph (b) of this section, there is hereby levied for the period beginning July one, nineteen hundred sixty and ending June thirty, nineteen hundred sixty-two, on all beer bottled in Virginia and on all beer sold in Virginia, an excise tax at the rate of four dollars per barrel of thirty-one gallons, and a tax at the same rate on such beer in containers of more or less than thirty-one gallons, but on such beer in bottles of not more than seven ounces each the tax shall be 1⅞ cents per bottle, and on such beer in bottles of more than seven ounces each but not more than twelve ounces each the tax shall be 2½ cents per bottle; and on such beer in bottles of more than twelve ounces each, the tax shall be at the rate of two and 1/12 mills per ounce per bottle. The tax herein levied shall be paid by the respective bottlers and wholesalers of the beer, if not previously paid. No such tax shall be collected upon any beer bottled or sold in Virginia when the State excise tax provided for in this section shall have been previously levied, and paid thereon in full; but if on beer bottled in Virginia there shall have been paid by the manufacturer the excise herein levied, such bottler shall pay all additional excise taxes which may be due on such beer in bottled form.

(c) When seller to pay tax.—When any person shall sell or offer for sale in Virginia any beer purchased or obtained from any person not licensed either as a brewery, bottler or wholesaler under the provisions of this chapter, and on which the State excise tax herein levied has not been paid, such person shall pay the tax levied in the preceding subsection.

(d) Contract with State Tax Commissioner.—No retail license authorizing the licensee to sell beer under the provisions of this chapter shall be valid unless and until the person to whom such license is issued shall have filed with the State Tax Commissioner a satisfactory contract or agreement with the Commissioner that such person will purchase for resale beer from manufacturers, bottlers or wholesalers licensed in this State and from no one else; provided, however, that any corporation licensed to sell beer on dining cars, buffet cars, club cars or boats may, in lieu of filing such a contract or agreement, file with the Commissioner a bond, with a guaranty or surety company licensed to do business in this State as surety, in such penalty as the Commissioner may find to be sufficient to cover the tax liability of such corporation, but in no event to be less than one thousand dollars. The Commissioner shall promptly notify the board of each such bond filed, each such contract or agreement entered into, and each amendment, alteration or cancellation thereof.

(e) Monthly report and payment of tax.—On or before the tenth day of each month each person manufacturing, bottling or selling any beer in Virginia shall file with the State Tax Commissioner a report under oath on forms which shall be prescribed by the Commissioner showing the quantity of all beer manufactured, bottled or sold by such person during the preceding month, the amount of tax, if any, for which such person is liable under the provisions of this section, and containing such other information as the Commissioner may require; provided that corporations licensed to sell beer on dining cars, buffet cars, club cars or boats shall have thirty days from the end of each month within which to file the monthly reports required by this subsection. At the same time such person shall pay to the Commissioner all such excise taxes chargeable against him under the provisions of this chapter on all such beer so manufactured or sold during the preceding month, unless such taxes have been previously paid.

The provisions of this subsection as to the filing of such monthly reports shall not be applicable to any person licensed hereunder to sell beer at retail who purchased beer from manufacturers, bottlers or wholesalers licensed in this State and from no one else; provided, such person

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shall have duly filed with the State Tax Commissioner the contract or agreement mentioned in the preceding subsection.

(f) Beer shipped out of State or to military or naval reservations; sales and deliveries to certain ships.—The excise tax herein provided for shall not be chargeable against any manufacturer, bottler or wholesaler on any beer shipped out of this State by such manufacturer, bottler or wholesaler for resale out of this State, or on any beer shipped to a United States military or naval reservation within the geographical confines of Virginia for resale on such military or naval reservation, or on any beer shipped to a post exchange of the armed forces of the United States for resale by such post exchange, whether such post exchange be located on a United States military or naval reservation or not, or on any beer shipped to any instrumentality of the United States which is exempt on constitutional grounds from the excise tax levied by this section, or on any beer sold and delivered to ships actually engaged in foreign commerce or commerce between the Atlantic and Pacific ports of the United States or commerce between the United States and any of its possessions outside of the several States and the District of Columbia, provided evidence satisfactory to the State Tax Commissioner be submitted to him in writing in each case that such beer was so shipped.

(g) Disposition of moneys collected.—All moneys collected by the State Tax Commissioner under the provisions of this chapter shall be promptly paid into the general fund of the State treasury.

(h) Gift of untaxed beer considered sale.—If any person licensed under the provisions of this chapter shall give or furnish gratuitously to any person in Virginia any beer on which the excise tax herein provided for has not been paid, such gift or furnishing shall for the purpose of this section be considered a sale.

(i) Sections construed together.—Nothing contained in this section shall be construed as repealing any provision of § 4-41, but such sections shall be read together.

(j) In order that the increases in the rates of the excise taxes levied by this section, as hereby amended, may be made uniformly effective on July first, nineteen hundred and sixty, the following provisions are hereby enacted:

(1) Every wholesaler and retailer of beer in this State shall file with the State Tax Commissioner after July first, nineteen hundred and sixty, and before July fifteenth, nineteen hundred and sixty, a report under oath on forms which shall be prescribed by the State Tax Commissioner which report shall state in detail such wholesaler's or retailer's inventory of beer on which the excise tax is increased by this section, as hereby amended, on hand and in transit to him as of the beginning of July first, nineteen hundred and sixty; and at the time of filing such report he shall pay to the State Tax Commissioner the difference between the excise taxes which have been already paid this State on such beer and the excise taxes at the rates levied by this section, as hereby amended. Any wholesaler or retailer failing or refusing to file such report and to pay such taxes within the time prescribed hereby, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly; and, in addition, the State Tax Commissioner shall proceed to collect such taxes by legal process.

(2) Every manufacturer and bottler of beer in this State and every manufacturer, bottler and wholesaler of beer without this State, to whom or on whose account any official crown or lid tax certificate has been at any time issued before July first, nineteen hundred and sixty, or who has purchased or acquired at any time before July first, nineteen hundred and sixty, any tax stamps, shall file with the State Tax Commissioner after July first, nineteen hundred and sixty, and before July fifteenth, nineteen hundred and sixty, a report under oath on forms which shall be prescribed

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by the State Tax Commissioner which report shall give in detail the number and description of each class of official crowns, lids and tax stamps for use on beer on which the excise tax is increased by this section, as hereby amended, which such manufacturer, bottler or wholesaler may have on hand or in transit to him as of the beginning of July first, nineteen hundred and sixty, and whether such official crowns, lids and tax stamps be attached or unattached to containers; and at the time of filing such report he shall pay to the State Tax Commissioner the difference between the excise taxes which have been already paid this State on account of such official crowns, lids and tax stamps and the excise taxes at the rates levied by this section, as hereby amended. Any such manufacturer or bottler in this State failing or refusing to file such report and to pay such taxes within the time prescribed hereby, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly; and in addition, the State Tax Commissioner shall proceed to collect such taxes by legal process. Any such manufacturer, bottler or wholesaler without this State failing or refusing to file such report and to pay such taxes within the time prescribed hereby, shall not be issued any official crown or lid tax certificate or permitted to purchase any tax stamps so long as such manufacturer, bottler or wholesaler may be in default, as aforesaid.

(k) This section, as hereby amended, shall be in force on and after July first, nineteen hundred and sixty.

§ 4-108. (a) Tax on beverages manufactured.—There is hereby levied on all beverages manufactured in Virginia an excise tax at the rate of three dollars and ten cents per barrel of thirty-one gallons, and a tax at the same rate on such beverages in containers of more or less than thirty-one gallons, but on such beverages in bottles of not more than seven ounces each the tax shall be one and one-half cents per bottle, and on such beverages in bottles of more than seven ounces each but not more than twelve ounces each the tax shall be two cents per bottle; and on such beverages in bottles of more than twelve ounces each, the tax shall be at the rate of one and two-thirds mills per ounce per bottle. Such tax shall be paid by the person who manufactures the beverages.

(a-1) In lieu of the tax imposed by paragraph (a) of this section, there is hereby levied for the period beginning July one, nineteen hundred sixty and ending June thirty, nineteen hundred sixty-two, on all beverages manufactured in Virginia an excise tax at the rate of four dollars per barrel of thirty-one gallons, and a tax at the same rate on such beverages in containers of more or less than thirty-one gallons, but on such beverages in bottles of not more than seven ounces each the tax shall be 1⅞ cents per bottle, and on such beverages in bottles of more than seven ounces each but not more than twelve ounces each the tax shall be 2½ cents per bottle; and on such beverages in bottles of more than twelve ounces each, the tax shall be at the rate of two and 1/12 mills per ounce per bottle. Such tax shall be paid by the person who manufactures the beverages.

(b) Tax on beverages bottled or sold.—There is hereby levied on all beverages bottled in Virginia and on all beverages sold in Virginia, an excise tax at the rate of three dollars and ten cents per barrel of thirty-one gallons, and a tax at the same rate on such beverages in containers of more or less than thirty-one gallons, but on such beverages in bottles of not more than seven ounces each the tax shall be one and one-half cents per bottle, and on such beverages in bottles of more than seven ounces each but not more than twelve ounces each the tax shall be two cents per bottle; and on such beverages in bottles of more than twelve ounces each, the tax shall be at the rate of one and two-thirds mills per ounce per bottle. The tax herein levied shall be paid by the respective bottlers and wholesalers of such beverages, if not previously paid. No such tax shall be collected upon any beverages bottled or sold in Virginia when the State excise tax

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provided in this chapter shall have been previously levied and paid thereon in full; but if on beverages bottled in Virginia there shall have been paid by the manufacturer the excise tax herein levied, such bottler shall pay all additional excise taxes which may be due on such beverages in bottled form.

(b-1) In lieu of the tax imposed by paragraph (b) of this section, there is hereby levied for the period beginning July one, nineteen hundred sixty and ending June thirty, nineteen hundred sixty-two, on all beverages bottled in Virginia and on all beverages sold in Virginia, an excise tax at the rate of four dollars per barrel of thirty-one gallons, and a tax at the same rate on such beverages in containers of more or less than thirty-one gallons, but on such beverages in bottles of not more than seven ounces each the tax shall be 1⅞ cents per bottle, and on such beverages in bottles of more than seven ounces each but not more than twelve ounces each the tax shall be 2½ cents per bottle and on such beverages in bottles of more than twelve ounces each, the tax shall be at the rate of two and 1/12 mills per ounce per bottle. The tax herein levied shall be paid by the respective bottlers and wholesalers of such beverages, if not previously paid. No such tax shall be collected upon any beverages bottled or sold in Virginia when the State excise tax provided in this chapter shall have been previously levied and paid thereon in full; but if on beverages bottled in Virginia there shall have been paid by the manufacturer the excise tax herein levied, such bottler shall pay all additional excise taxes which may be due on such beverages in bottled form.

(c) When seller to pay tax; contract with Commissioner.—When any person shall sell or offer for sale in Virginia any beverages purchased or obtained from any person not licensed either as a manufacturer, bottler, or wholesaler under the provisions of this chapter, and on which the State excise tax herein levied has not been paid, such person shall pay the tax levied in the preceding subsection. No license issued to a retailer under this chapter shall be valid unless and until such retailer shall have filed with the State Tax Commissioner a satisfactory contract or agreement with the Commissioner that such retailer will purchase for resale beverages from manufacturers, wholesalers or bottlers licensed in this State and from no one else; provided, however, that any corporation licensed to sell beverages on dining cars, buffet cars, club cars or boats may, in lieu of filing such a contract or agreement, file with the Commissioner a bond, with a guaranty or surety company licensed to do business in this State as surety, in such penalty as the Commissioner may find to be sufficient to cover the tax liability of such corporation, but in no event to be less than one thousand dollars. The violation of the terms of any such contract or agreement between any such retailer and the Commissioner by the purchase by such retailer of any beverages for resale from any one other than a manufacturer, bottler, or wholesaler licensed in this State shall automatically revoke the license of any such retailer and such retailer shall moreover be guilty of a misdemeanor.

(d) Monthly report and payment of tax.—On or before the tenth day of each month every person manufacturing, bottling or selling any beverages in Virginia shall file with the State Tax Commissioner a report under oath on forms which shall be prescribed by the Commissioner showing the quantity of all beverages manufactured, bottled or sold by such person during the preceding month, the amount of tax, if any, for which such person is liable under the provisions of this section, and containing such other information as the Commissioner may require. At the same time such person shall pay to the Commissioner all such excise taxes chargeable against him under the provisions of this section on all such beverages so manufactured, bottled or sold during the preceding month, unless such taxes have been previously paid. The provisions of this subsection as to

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the filing of such monthly reports shall not be applicable to any retailer who purchased beverages from manufacturers, wholesalers or bottlers licensed in this State and from no one else; provided, such retailer shall have duly filed with the Commissioner the contract or agreement mentioned in the preceding subsection.

(e) Beverages shipped out of State or to military or naval reservation; sales and deliveries to certain ships.—The excise tax herein provided for shall not be chargeable against any manufacturer, bottler or wholesaler on any beverages shipped out of this State by such manufacturer, bottler or wholesaler for resale out of this State, or on any beverages shipped to a United States military or naval reservation within the geographical confines of Virginia for resale on such military or naval reservation, or on any beverages shipped to a post exchange of the armed forces of the United States for resale by such post exchange, whether such post exchange be located on a United States military or naval reservation or not, or on any beverages shipped to any instrumentality of the United States which is exempt on constitutional grounds from the excise tax levied by this section, or on any beverages sold and delivered to ships actually engaged in foreign commerce or commerce between the Atlantic and Pacific ports of the United States or commerce between the United States and any of its possessions outside of the several States and the District of Columbia, provided evidence satisfactory to the State Tax Commissioner be submitted to him in writing in each case that such beverages were so shipped.

(f) Disposition of moneys collected.—All moneys collected by the State Tax Commissioner under the provisions of this chapter shall be promptly paid into the general fund of the State treasury.

(g) In order that the increases in the rates of the excise taxes levied by this section, as hereby amended, may be made uniformly effective on July first, nineteen hundred and sixty, the following provisions are hereby enacted:

(1) Every wholesaler and retailer of beverages in this State shall file with the State Tax Commissioner after July first, nineteen hundred and sixty and before July fifteenth, nineteen hundred and sixty, a report under oath on forms which shall be prescribed by the State Tax Commissioner which report shall state in detail such wholesaler's or retailer's inventory of beverages on which the excise tax is increased by this section, as hereby amended, on hand and in transit to him as of the beginning of July first, nineteen hundred and sixty; and at the time of filing such report he shall pay to the State Tax Commissioner the difference between the excise taxes which have been already paid this State on such beverages and the excise taxes at the rates levied by this section, as hereby amended. Any such wholesaler or retailer failing or refusing to file such report and to pay such taxes within the time prescribed hereby, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly; and, in addition, the State Tax Commissioner shall proceed to collect such taxes by legal process.

(2) Every manufacturer and bottler of beverages in this State and every manufacturer, bottler and wholesaler of beverages without this State, to whom or on whose account any official crown or lid tax certificate has been at any time issued before July first, nineteen hundred and sixty, or who has purchased or acquired at any time before July first, nineteen hundred and sixty, any tax stamps, shall file with the State Tax Commissioner after July first, nineteen hundred and sixty and before July fifteenth, nineteen hundred and sixty, a report under oath on forms which shall be prescribed by the State Tax Commissioner which report shall give in detail the number and description of each class of official crowns, lids and tax stamps for use on beverages on which the excise tax

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is increased by this section, as hereby amended, which such manufacturer, bottler or wholesaler, may have on hand or in transit to him as of the beginning of July first, nineteen hundred and sixty, and whether such official crowns, lids and tax stamps be attached or unattached to containers; and at the time of filing such report he shall pay to the State Tax Commissioner the difference between the excise taxes which have been already paid this State on account of such official crowns, lids and tax stamps and the excise taxes at the rates levied by this section, as hereby amended. Any such manufacturer or bottler in this State failing or refusing to file such report and to pay such taxes within the time prescribed hereby, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly; and, in addition, the State Tax Commissioner shall proceed to collect such taxes by legal process. Any such manufacturer, bottler or wholesaler without this State failing or refusing to file such report and to pay such taxes within the time prescribed hereby, shall not be issued any official crown or lid tax certificate or permitted to purchase any tax stamps so long as such manufacturer, bottler or wholesaler may be in default, as aforesaid.

(h) This section, as hereby amended, shall be in force on and after July first, nineteen hundred and sixty.

CHAPTER 404

An Act to amend and reenact § 51-112, as amended, of the Code of Virginia, relating to retirement systems of localities.

[H 148]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 51-112, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 51-112. The governing body of each *county,* city and town may, by ordinance adopted by a recorded vote of a majority of the members elected or of a majority elected to each branch, if there be more than one branch, establish a system of pensions, including death benefits, covering injured, retired or superannuated officers and employees of such *county,* city or town, and payable to such officers and employees, or their dependents, estates or designated beneficiaries, and to provide for accrued vested or contractual rights thereunder; and it may through the purchase of insurance and annuities provide for such pensions, including death benefits, and for group life insurance covering the officers and employees of such *county,* city or town, and for group accident and sickness insurance covering the officers and employees of such *county,* city or town and their dependents. Such governing body may by such ordinance establish a fund for the payment of such pensions, including death benefits, and for the payment of such insurance and annuity premiums and charges by making appropriations out of the treasury of the *county,* city or town or by requiring contributions, payable from time to time through payroll deductions or otherwise, or by both, or by any other mode not prohibited by law.

Retirement allowances and other benefits accrued or accruing to any person under the provisions of this section or under the provisions of any charter granted to any city or town, and the assets of a retirement system created under this section or by any charter granted to a city or town are hereby exempted from any State, county, or municipal tax.

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For the purpose of this section the term employees may include teachers or other employees of city and town school boards.

CHAPTER 405

An Act to amend the Code of Virginia by adding a section numbered 14-68.3, relating to salaries of city treasurers.

[H 150]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 14-68.3 as follows:

§ 14-68.3. The maximum salary brackets provided for city treasurers by §§ 14-68, 14-68.1 and 14-68.2 applicable to each treasurer shall be increased by ten per centum.

CHAPTER 406

An Act to amend and reenact §§ 33-298, 33-302, 33-317 and 33-321, as amended, of the Code of Virginia, and to amend the Code of Virginia by adding three sections numbered 33-317.1, 33-317.2 and 33-317.3, the amended sections relating to the regulation of advertisements and advertising structures along or adjacent to State highways, and the new sections relating to the regulation of advertising along or adjacent to the National System of Interstate and Defense Highways, to the acquiring of certain easements, and to the exercise of the power of eminent domain.

[H 151]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 33-298, 33-302, 33-317 and 33-321, as amended, of the Code of Virginia, be amended and reenacted and that the Code of Virginia be amended by adding three sections numbered 33-317.1, 33-317.2 and 33-317.3 as follows:

§ 33-298. The following terms, wherever used or referred to in this article, shall have the following meanings unless a different meaning clearly appears from the context:

(1) "Advertisement" means any writing, printing, picture, painting, display, emblem, drawing, sign or similar device which is posted or displayed outdoors on real property and is intended to invite or to draw the attention or to solicit the patronage or support of the public to any goods, merchandise, property, real or personal, business, services, entertainment or amusement manufactured, produced, bought, sold, conducted, furnished or dealt in by any person or for any political party or for the candidacy of any individual for any nomination or office; the term shall also include any part of an advertisement recognizable as such;

(2) "Advertising structure" means any rigid or semirigid material, with or without any advertisement displayed thereon, situated upon or attached to real property outdoors, primarily or principally for the purpose of furnishing a background or base or support upon which an advertisement may be posted or displayed;

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(3) "Business of outdoor advertising" means the erection, use or maintenance of advertising structures or the posting or display of outdoor advertisements by any person who receives profit gained from rentals or any other compensation from any other person for the use or maintenance of such advertising structures or the posting or display of such advertisements, except reasonable compensation for materials and labor used or furnished in the actual erection of advertising structures or the actual posting of advertisements;

(4) "Highway" means every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this State;

(5) "Municipalities" means cities and incorporated towns;

(6) "Person" includes an individual, partnership, association or corporation;

(7) "Post" means post, display, print, paint, burn, nail, paste or otherwise attach;

(8) "Real property" includes any property physically attached or annexed to real property in any manner whatsoever;

(9) "Town" means an incorporated town;

(10) "Historic place or shrine" includes only places that are maintained wholly at public expense or by a nonprofit organization;

(11) "Entrance roadway" means any public road or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of an Interstate highway from the general road system within this State, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway;

(12) "Exit roadway" means any public road or turning roadway, including deceleration lanes, by which traffic may leave the main-traveled way of an Interstate highway to reach the general road system within this State, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway;

(13) "Centerline of the Highway" means a line equidistant from the edges of the median separating the main-traveled ways of an interstate divided highway, or the centerline of the main-traveled way of a nondivided interstate highway;

(14) "Interchange" means a grade separated intersection with one or more turning roadways for travel between intersection legs, or an intersection at grade, where two or more highways join or cross;

(15) "Legible" means capable of being read without visual aid by a person of normal visual acuity;

(16) "Maintain" means to allow to exist;

(17) "Main-traveled way" means the traveled way of an interstate highway on which through traffic is carried. In the case of a divided interstate highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas;

(17a) "National System of Interstate and Defense Highways" and "Interstate System" mean the system presently defined in subsection (d) of Section 103 of Title 23, United States Code;

(18) "Protected Area" means all areas which are adjacent to and within six hundred sixty feet of the edge of the right of way of any highway which is a part of the National System of Interstate and Defense Highways which was acquired for right of way subsequent to July 1, 1956 (an area shall be deemed to have been so acquired if, within such area, no line normal or perpendicular to the centerline of the highway and extending to both edges of the right of way will intersect any right of way acquired for right of way on or before July 1, 1956), which do not lie in commercial or industrial zones within the presently existing boundaries of incorporated municipalities wherein the use of real property adjacent to the Interstate

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System is subject to municipal regulation or control, or which do not lie in other areas where the land is clearly established by State or local law as industrial or commercial;

(19) "Scenic Area" means any public park, area of particular scenic beauty or historical significance designated as a scenic area by the State Highway Commission;

(20) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the Interstate System.

(21) "Trade Name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services;

(22) "Traveled Way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders;

(23) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange;

(24) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity;

(25) "Distance from edge of a right-of-way" shall be the horizontal distance measured along a line normal or perpendicular to the centerline of the highway;

(26) "Distance Along Centerline" shall be measured between two vertical planes which are normal or perpendicular to and intersect the centerline of the highway, and which pass through the termini of a measured distance.

§ 33-302. The following *signs and* advertisements, if securely attached to real property or advertising structures, and the advertising structures, or parts thereof, upon which they are posted or displayed are excepted from all the provisions of this article save those enumerated in subsections (2), (3), (5), (6), (7) and (8) of § 33-317 and in §§ *33-317.1* and 33-321:

(1) Advertisements securely attached to a place of business or residence, and not to exceed ten advertising structures with combined total area, exclusive of the area occupied by the name of the business, owner or lessee, of advertisements and advertising structures not to exceed five hundred square feet, erected or maintained, or caused to be erected or maintained, by the owner or lessee of such place of business or residence within two hundred and fifty feet of such place of business or residence and relating solely to merchandise, services or entertainment sold, produced, manufactured or furnished at such place of business or residence;

(2) Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, services or entertainment sold, produced, manufactured or furnished on such farm;

(3) Signs upon real property posted or displayed by the owner, or by the authority of the owner, stating that the property, upon which the sign is located, or a part of such property, is for sale or rent or stating any data pertaining to such property and its appurtenances, and the name and address of the owner and the agent of such owner;

(4) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or other similar instruments;

(5) Danger or precautionary signs relating to the premises or signs warning of the condition of or dangers of travel on a highway, erected or authorized by the Commissioner; or forest fire warning signs erected

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under authority of the * *Board of Conservation and Economic Development* and signs, notices or symbols erected by the United States government under the direction of the United States Forestry Service;

(7) Notices of any railroad, bridges, ferries or other transportation or transmission company necessary in the discretion of the Commissioner for the safety of the public or the direction of the public to such utility or to any place to be reached by it;

(8) Signs, notices or symbols for the information of aviators as to location, direction and landings and conditions affecting safety in aviation erected or authorized by the Commissioner;

(9) Signs containing sixteen square feet or less and bearing an announcement of any county, town, village or city, or historic place or shrine, situated in this State, advertising itself or local industries, meetings, buildings or attractions, provided the same is maintained wholly at public expense, or at the expense of such historic place or shrine;

(11) Signs or notices containing two square feet or less, placed at a junction of two or more roads in the State Highway System denoting only the distance or direction of a church, residence or place of business, provided such signs or notices do not exceed a reasonable number in the discretion of the Commissioner;

(12) Signs or notices erected or maintained upon property giving the name of the owner, lessee or occupant of the premises;

(13) Advertisements and advertising structures within the corporate limits of cities and towns;

(14) Historical markers erected by duly constituted and authorized public authorities;

(15) Highway markers and signs erected, or caused to be erected, by the Commissioner or the State Highway Commission or other authorities in accordance with law;

(16) Signs erected upon property warning the public against hunting, fishing or trespassing thereon;

(17) Signs erected by Red Cross authorities relating to Red Cross Emergency Stations. And authority is hereby expressly given for the erection and maintenance of such signs upon the right of way of all highways in this State at such locations as may be approved by the Commissioner;

(18) Signs advertising agricultural products and horticultural products, or either, when such products are produced by the person who erects and maintains the signs; provided, however, that the location and number of such signs shall be in the sole discretion of the Commissioner;

(19) Signs advertising only the name, time and place of bona fide agricultural, county, district or State fairs, together with announcements of special events in connection therewith which do not consume more than fifty per centum of the display area of such signs, provided the person who posts the signs or causes them to be posted will post a cash bond as may be prescribed by the Commissioner, adequate to reimburse the Commonwealth for the actual cost of removing such signs as are not removed within thirty days after the last day of the fair so advertised.

§ 33-317. No advertisement or advertising structure shall be erected, maintained or operated;

(1) Within five hundred feet of the Blue Ridge Parkway, the Colonial National Parkway or the Mount Vernon Boulevard or within five hundred feet of any public cemetery, public park reservation, public playground, national forest or State forest, outside the limits of any municipality; or

(2) Which involves motion or rotation of any part of the structure or displays intermittent lights within one hundred feet of the nearest edge of the pavement of any highway; or

(3) Which uses the words "stop" or "danger" prominently displayed

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or presents or implies the need or requirement of stopping or the existence of danger on any highway, or which is a copy or imitation of official highway signs; or

(5) Which, within visible distance of any highway, advertises any county, city, town, village, historic place or shrine without the consent, in writing, of such county, city, town or village or of the owner of such historic place or shrine; or

(6) Which is mobile and is designed to and effectively does distract the attention of passing motorists on any highway by flashing lights, loud and blatant noises or movable objects; or

(7) Which involve red, green or amber lights or reflectorized material and which resemble traffic signal lights or traffic control signs and is within visible distance of any highway; or

(8) Within fifteen feet of the nearest edge of the pavement of any highway; or

(9) At any public road intersection in such manner as would obstruct the clear vision in either direction between a point on the center line of the side road twenty feet from the nearest edge of the pavement of the main road and points on the main road four hundred feet distant, measured along the nearest edge of the pavement of the main road; or

(10) At any grade intersection of a public road and a railroad in such manner as would obstruct the clear vision in either direction within triangular areas formed by (a) a point at the center of the railroad-public road intersection, (b) a point on the public road four hundred feet from the center of the railroad-public road intersection as measured along the center of the public road, and (c) a point on the railroad five hundred feet from the center of the railroad-public road intersection as measured along the center of the railroad; or

(11) At or near any curve in a road in such a manner as to obstruct the clear vision of traffic from any one point on such curve to any other point not more than four hundred feet apart, as measured between each point from the nearest edge of the pavement. *

§ *33-317.1. Special provisions pertaining to the National System of Interstate and Defense Highways. (a) Notwithstanding the territorial limitation set out in § 33-300, no sign or advertising structure which is visible, as defined in paragraph (24) of § 33-298, from the main-traveled way of the Interstate System shall be erected, maintained, or displayed within a protected area which:*

(1) Advertises activities which are illegal under State or Federal laws or regulations in effect at the location of such sign or advertising structure or at the location of such activities;

(2) If a sign, is not securely affixed to a substantial advertising structure;

(3) Is obsolete, or is not clean and in good repair;

(4) Is not consistent with this section or regulations adopted by the State Highway Commission.

(b) The following signs may be erected or maintained in protected areas:

Class 1—Official Signs.—Directional signs, historical markers, signs indicating the availability of food, lodging and vehicle service, or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in State or Federal law, for the purpose of carrying out an official duty or responsibility. The State Highway Commission shall determine the type, size, location and number of signs of this class which may be erected.

Class 2—On premise Signs.—Signs not prohibited by other parts of this article which are consistent with the applicable provisions of this

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section and which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located; provided, that

(1) Not more than one sign advertising the sale or lease of the same property may be erected or maintained in such manner as to be visible to traffic proceeding in any one direction on any one Interstate highway;

(2) Not more than one sign, visible to traffic proceeding in any one direction on any one Interstate highway and advertising activities being conducted upon the real property where the sign is located, may be erected or maintained more than fifty feet from the advertised activity, and no such sign may be located more than two hundred fifty feet from the center of the advertised activity; and

(3) No sign, except one which is not more than fifty feet from the advertised activity, that displays any trade name which refers to or identifies any service rendered or product sold shall be erected or maintained unless the name of the advertised activity is displayed as conspicuously as such trade name.

Class 3—Signs in the Specific Interest of the Traveling Public.—Signs otherwise conforming to law which are designed to give information in the specific interest of the traveling public, including only signs giving information about public places operated by the Federal, or the State government or any political subdivision thereof, natural phenomena, historical sites, areas of natural scenic beauty or naturally suited for outdoor recreation, designated as such by the State Highway Commission.

(c) (1) In protected areas in advance of an intersection of the main-traveled way of an Interstate highway and an exit roadway. Class 3 signs visible to traffic on the highway approaching such intersection may not exceed the following number:

Distance from Intersection	*Number of Signs*
0 - 2 Miles	*0*
2 - 5 Miles	*6*
More than 5 Miles	*Average of 1 per mile*

The specified distance shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the highway.

(2) Subject to the other provisions of this subsection (c), not more than two such signs may be erected or maintained within any mile distance measured from any point, and no such signs may be erected or maintained less than one thousand feet apart.

(3) Such signs may not be erected or maintained in protected areas upon any part of the width of which is constructed an entrance or exit roadway.

(4) Such signs visible to Interstate highway traffic which is approaching or has passed an entrance roadway may not be erected or maintained in protected areas for one thousand feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the Interstate highway.

(5) No such signs may be erected or maintained in scenic areas.

(6) Not more than one such sign advertising activities being conducted as a single enterprise or giving information about a single place may be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one Interstate highway.

(d) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device.

(e) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

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(f) No lighting may be permitted to be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Interstate System, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(g) No sign may be permitted which moves or has any animated or moving parts or which contains, includes, or is illuminated by any flashing, intermittent or moving lights.

(h) No advertisement may be erected or maintained on any tree nor painted or drawn on any rock or other natural feature.

(i) No sign may be permitted to exceed twenty feet in length, width or height, or one hundred fifty square feet in area, including border and trim but excluding supports, except Class 2 signs not more than fifty feet from, and advertising activities being conducted upon, the real property where the sign is located.

Notwithstanding any other provisions of law, this § 33-317.1 shall not apply to: (1) any area adjacent to any segment of Interstate Highway constructed upon any portion of right of way acquired for right of way purposes prior to July 1, 1956, nor (2) to any area adjacent to any segment of Interstate Highway which traverses commercial or industrial zones within the presently existing boundaries of incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverses other areas where the land use is clearly established by State or local law as industrial or commercial.

This § 33-317.1 shall not apply to any sign or advertising structure erected under permit prior to the date of enactment of this act; provided, however, that any permit granted for the erection or maintenance of any sign or advertising structure in conflict with the provisions of this § 33-317.1 shall automatically expire on June 30, 1961, and any such permit which shall expire between the date of enactment of this act and June 30, 1961, shall not be renewed.

Notwithstanding the foregoing provisions of this section, as to any portion of the Interstate System which was completed and opened to traffic prior to September one, nineteen hundred fifty-eight, the following provisions shall apply until July one, nineteen hundred sixty-two:

No advertisement or advertising structure shall be erected, maintained or operated within five hundred feet of any such portion of the Interstate System, except:

(a) Upon a location that is within one mile of an interchange. This distance to be measured in a straight line from the center line of the intersecting roadway, provided that:

(1) The advertisement relates to business establishments offering essential services to motorists, limited to automotive services, lodging, and food serving establishments located within ten miles of the interchange at which the sign is posted or the next interchange in either direction on the Interstate System, along which such signs are erected;

(2) The advertisement or advertising structure does not exceed three hundred square feet in area and conforms to standard designs and colors, as approved by the State Highway Department; and

(3)(a) The number of signs authorized to be erected by the owner of a business is limited to four for each business establishment;

(b) Signs advertising a Virginia scenic or historical place, whether or not such place is maintained wholly at public expense, or by a nonprofit organization, or is operated as a commercial enterprise;

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(c) Signs advertising the sale of property by the owner thereof, located on the property to be sold; and

(d) Signs which have been erected prior to June 27, 1958.

§ 33-317.2. The State Highway Commission may issue regulations, and is authorized to enter into agreements with the Secretary of Commerce of the United States as provided in 23 U. S. C. § 131, with respect to the regulation and control of signs, advertisements and advertising structures in conformity with § 33-317.1; provided that such agreements shall not prevent the General Assembly of Virginia from amending or repealing § 33-317.1 at any time.

§ 33-317.3. Notwithstanding any other provision of law, the provisions of § 33-317.1 shall not apply to areas adjacent to any right of way acquired between July one, nineteen hundred fifty-six, and the effective date of this act, until such time as the State Highway Commission has purchased or acquired by eminent domain an easement restricting the erection or maintenance of signs or advertising structures along such right of way in conformity with the provisions of § 33-317.1, and the State Highway Commission is hereby authorized and empowered to acquire such easements.

§ 33-321. Any advertisement or advertising structure which is erected, used, maintained, operated, posted or displayed in violation of §§ 33-317, *33-317.1* or 33-318 or for which no permit has been obtained where such is required, or after revocation or more than thirty days after expiration of a permit, or which, whether or not excepted under the provisions of § 33-302, is not kept in a good general condition and in a reasonably good state of repair and is not, after thirty days' written notice to the person erecting, using, maintaining, posting or displaying the same, put into good general condition and in a reasonably good state of repair, is hereby declared to be a public and private nuisance and may be forthwith removed, obliterated or abated by the Commissioner or his representatives. The Commissioner may collect the cost of such removal, obliteration or abatement from the person erecting, using, maintaining, operating, posting or displaying such advertisement or advertising structure.

2. The provisions of this act are declared to be severable and if any provision of this act is held to be invalid by any court of competent jurisdiction, the remainder of the act shall continue in full force and effect.

CHAPTER 407

An Act to amend and reenact §§ 14-51 and 14-52, as amended, of the Code of Virginia, relating to the salaries of trial justices, now known as County Court Judges, in counties.

[H 188]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 14-51 and 14-52, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 14-51. The annual salaries of trial justices, *now known as County Court Judges*, in counties of the Commonwealth shall be within the limits hereinafter prescribed, that is to say:

In counties having a population of ten thousand inhabitants or less, such salaries shall be not less than * *eighteen* hundred dollars nor more than * *three thousand* dollars.

In counties having a population of more than ten thousand inhabitants but not more than twenty thousand inhabitants, such salaries shall be not

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less than * *three* thousand dollars nor more than * *forty-five* hundred dollars.

In counties having a population of more than twenty thousand inhabitants but not more than twenty-five thousand inhabitants, such salaries shall be not less than * *thirty-three* hundred dollars nor more than * *five* thousand dollars.

In counties having a population of more than twenty-five thousand inhabitants but not more than thirty thousand inhabitants and, without regard to population, in counties having an area of more than two hundred thirteen square miles and not more than two hundred twenty-three square miles, such salaries shall not be less than * *thirty-eight hundred* dollars nor more than * *fifty-eight* hundred dollars.

In counties having a population of more than thirty thousand inhabitants but not more than forty thousand inhabitants, such salaries shall not be less than * *forty-five hundred* dollars nor more than * *sixty-two* hundred dollars.

In counties having a population of more than forty thousand inhabitants but not more than fifty thousand inhabitants, such salaries shall not be less than * *five* thousand dollars nor more than * *seventy-five* hundred dollars.

In counties having a population of more than fifty thousand inhabitants, such salaries shall not be less than * *six* thousand dollars nor more than * *nine thousand* dollars.

In counties having a population of more than ninety-nine thousand but less than one hundred twenty-five thousand, such salaries shall not be less than seventy-five hundred nor more than nine thousand dollars.

Whenever a * *County Court Judge* is such for two or more counties, or for a county and city combined, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the classification of such * *County Court Judge* under the provisions of this section.

For the purpose of this section, the population of each county shall be according to the last preceding United States census; provided that in any case in which it shall be shown to the satisfaction of the committee that the adoption of such census will result in an injustice to any * *County Court Judge,* the committee may accept an estimate of such population based upon evidence satisfactory to the committee.

Provided, however, the committee of judges shall have the power and authority in their discretion, when it shall be made to appear to them that because of the case load, time devoted to travel, *expense of travel,* and type of cases disposed of an injustice is imposed upon the * *County Court Judge,* to increase the maximum salary of the * *County Court Judge,* regardless of the maximum * *otherwise* provided, to such sum as the said committee shall deem adequate but in no case shall such adjustment be in excess of * *fifteen hundred* dollars above the maximum such * *County Court Judge* may be paid under the foregoing provisions of this section and under § 14-52.

§ 14-52. The maximum limits of the salaries provided by § 14-51 are hereby increased to the extent of fifteen hundred dollars in the case of * *judges* in counties adjoining one or more cities of more than twenty-five thousand inhabitants, whether such cities be within or without this State or in the case of * *judges* of any county having within its boundaries a United States Marine Base, United States Army Base or Camp, United States Naval Base or * *station, or United States Air Force Base,* or part of an arterial highway which crosses the State; provided that in no case shall the maximum salary of any * *County Court Judge* exceed the sum of * *twelve* thousand dollars.

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CHAPTER 408

An Act to amend and reenact §§ 144 (a), 144 (c), as amended, and 144 (j) of Chapter 34, as amended, of the Acts of Assembly of 1918, approved February 7, 1918, which chapter provided a new charter for the city of Norfolk, and which sections relate, respectively, to the establishment of the Norfolk Port Authority, changing the name thereof to Norfolk Port and Industrial Authority, the powers and duties of such Authority, and the powers of such Authority to secure the payment of bonds issued by it; and to amend said Chapter 34, as amended, of the Acts of Assembly of 1918, approved February 7, 1918, by adding thereto a new section, providing that the annual budget of such Authority shall be included as an appendix to and printed with the annual budget of the city of Norfolk.

[H 192]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 144 (a), 144 (c), as amended, and 144 (j) of Chapter 34, as amended, of the Acts of Assembly of 1918, approved February 7, 1918, be amended and reenacted as follows:

§ 144(a). There is hereby created in the city of Norfolk a political subdivision of the Commonwealth, with such public and corporate powers as are hereinafter set forth, to be known as the "Norfolk Port *And Industrial* Authority". Such authority may sue and be sued, plead and be impleaded, and shall have the power and authority to contract and be contracted with and to exercise and discharge all the powers and duties imposed and conferred upon it as hereinafter provided.

§ 144(c). Such * Authority shall have the following powers:

(a) To adopt and use a corporate seal, and to alter the same at its pleasure.

(b) To acquire, hold and dispose of such personal property as may be necessary for its purpose.

(c) To acquire by purchase or lease, on such terms and conditions, and in such manner as it may deem proper, except by condemnation, or by gift, such real property or such rights, easements or estates therein, as may be necessary for its purposes, and to sell, lease and dispose of the same, or any portion thereof or interest therein, whenever it shall become expedient to do so.

(d) To acquire, lease, construct or maintain and operate, landings, wharves, docks and piers, commodity elevators, and the approaches to and appurtenances thereof, tracks, spurs, crossings, switchings, terminals, warehouses and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares and merchandise, to perform any and all services at said facilities in connection with the receipt, delivery, shipment and transfer in transit, weighing, marking, tagging, ventilating, fumigating, refrigerating, icing, storing and handling of goods, wares and merchandise, to prescribe and collect charges from vessels coming into or using any landings, wharves, docks, piers, and commodity elevators operated and maintained by said Authority and from persons using any of the other facilities of the Authority, and to lease any and all of such facilities or any concessions properly incident thereto to any person, firm or corporation for the maintenance and operation of any and all of such facilities on such terms and conditions as it may deem proper.

(e) To acquire, purchase, construct, lease, operate, maintain and undertake, when and as authorized by the council of the city of Norfolk by formal ordinance, any wholesale market facility for merchants, dealers

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and farmers engaged in the marketing of perishable farm produce, fruits, vegetables, poultry, eggs, horticultural products, dairy products, meats, sea food, dry groceries, frozen foods and in the operation of freezing and prepackaging plants and in the furnishing of baskets and containers for farm produce and other articles handled at said market, to make charges for the use thereof with such facility being classed as a public utility within the meaning of this act.

(f) To acquire, purchase, construct, lease, operate, maintain and undertake any passenger bus * , railroad passenger *or airline passenger* terminal facility and to make charges for the use thereof.

Before the powers set forth in this paragraph are exercised by the Authority prior approval of the council shall be first obtained.

(g) To acquire, for the purpose of encouraging major industry and manufacturing, real property and to construct thereon any structures, including all equipment, appurtenances and accessories necessary or appropriate for such uses and purposes, and to sell or lease the same, or any part thereof, for industrial or manufacturing uses and purposes. The authority granted in this paragraph shall not be exercised in any case where the aggregate cost of land and structures for any single project is less than $250,000.00. *

(h) To maintain and operate any airport and air navigational facilities now or hereafter owned by the city of Norfolk with the same powers and authority thereover in the operation and maintenance thereof that said city may have, subject, however, to the provisions of Section 144 (d).

(i) To make capital improvements on any airport and air navigational facility now or hereafter owned by the city of Norfolk and transferred to said Authority to operate and maintain, with the same powers to issue its bonds therefor as it has for its other purposes, subject to the approval of the council of the city of Norfolk.

(j) To foster and stimulate the commerce of the Port of Norfolk and the shipment of freight through such port and to investigate and handle matters pertaining to all transportation rate structures affecting the commerce of the port.

(k) To establish, acquire, lease, maintain and operate, within the corporate limits of the city, a public transportation system, when and as authorized by the council of the city of Norfolk.

To extend the operation and maintenance of such transportation system in territory adjoining the city of Norfolk when and as authorized so to do by the governing body of the political subdivision in which extended and as otherwise provided by law.

(l) To establish, acquire, lease, maintain and operate such other public utilities as may be required of said Port Authority by the council of the city of Norfolk and as may be otherwise authorized by law.

(m) To acquire any or all places which are used or are to be used for the parking or storage of vehicles by the public and which, upon the effective date of this act, are owned by the city of Norfolk or the Norfolk Redevelopment and Housing Authority or, whether or not so owned, are situated within the boundaries of the redevelopment projects of the Norfolk Redevelopment and Housing Authority known as Downtown Redevelopment Project North, VA-R-8, Downtown Redevelopment Project South, VA-R-9, and Atlantic City Redevelopment Project, VA-R-1, and to acquire places for the parking or storage of vehicles by the public which are situated south of Water Street, in the city of Norfolk, irrespective of ownership; to operate and maintain such places; to authorize or permit others to use, operate or maintain such places upon such terms and conditions as it may prescribe; to charge or authorize the charging of compensation for the parking or storage of vehicles at or in such places; and to

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accept from others donations of money or other property, or the right to use such property, to aid, in whole or in part, in the acquisition, maintenance and operation of such places. Before the powers set forth in this paragraph are exercised by the Authority prior approval of the council shall be first obtained.

The power of the Authority to operate facilities for the parking or storage of vehicles by the public is limited to the places acquired under this paragraph.

* *(n)* To fix and charge tolls, fees and other charges for the use of, or for services rendered by, any of the facilities it is authorized hereunder to maintain and operate.

* *(o)* To appoint and employ such officers, agents and employees as may be necessary to carry out the purposes of said Authority, to fix their compensation and to prescribe their duties.

* *(p)* To do all other acts and things which may be reasonably necessary and convenient to carry out the purposes and powers given herein.

The powers conferred upon the Authority by this section except the powers conferred by clauses (h), (i), (j), and (k) of this section shall be exercised solely within the corporate limits of the city of Norfolk; provided further that rentals and charges for any and all facilities constructed and/or operated pursuant to clauses (f) and (g) shall, as near as possible, be at commercial rates for like facilities or services, and include a sum equivalent to real estate taxes at current rates on such property.

Whenever in this act approval of the council of the city of Norfolk is required to enable the Norfolk Port *And Industrial* Authority to exercise any power herein granted it, such approval shall be only by a formal ordinance.

§ 144 (j). In order to secure the payment of such bonds *or other obligations* the Authority shall have power by provision or provisions included in any resolution authorizing such bonds or in any indenture made to secure their payment:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any facility or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(e) To covenant as to the rents and fees to be charged in the operation of a facility or facilities, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant, as to the use and disposition of the moneys held in such funds.

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of

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bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenant securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said Authority, to take possession and use, operate and manage any facility or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with said trustee; to provide for the powers and duties of a trustee or trustees or the holders of bonds or any proportion of them who may enforce any covenant or rights securing or relating to the bonds.

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of said Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

Before any of the powers set forth in paragraphs lettered (a), (b) and (c) of this section are exercised by the Authority prior approval of the council shall be first obtained.

2. That Chapter 34, as amended, of the Acts of Assembly of 1918, approved February 7, 1918, be amended by adding thereto a new section numbered 144 (q) to read as follows:

§ 144 (q). For the purpose of information only, the annual budget of the Authority, in the same detail as the annual budgets of the departments of the city of Norfolk, shall be included as an appendix to and printed with the annual budget of the city.

3. An emergency exists and this act is in force from its passage.

CHAPTER 409

An Act to amend and reenact §§ 2, 4, 5 and 9 of Chapter 357 of the Acts of Assembly of 1954, approved April 2, 1954, which provided a charter for the town of Fairfax, the sections relating respectively to the corporate limits, compensation of the mayor and the officers of the town, certain zoning requirements and certain taxes on all property within the town.

[H 197]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 2, 4, 5 and 9 of Chapter 357 of the Acts of Assembly of 1954, approved April 2, 1954, be amended and reenacted as follows:

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§ 2. The corporate limits of the town of Fairfax, Virginia, as heretofore established, are hereby reestablished and *the said corporate limits* shall be taken and deemed * *to be the corporate limits as set forth in the final order entered on August seven, nineteen hundred fifty-eight, by the Circuit Court of Fairfax County, sitting as a duly constituted Annexation Court, in Town of Fairfax v. County of Fairfax, At Law 7597, Circuit Court of Fairfax County.*

§ 4. The officers appointed by the town council shall receive such compensation as may be allowed by the council, but neither the mayor nor any member of the council, except as may be otherwise provided in this act, shall receive any compensation except for special service, upon the recorded affirmative vote of at least four members of the council, and in no case shall the interested official be entitled to a vote in the matter of such compensation.

§ 5. The council shall have power to define and mark the boundaries of streets; to lay out new streets, alleys and sidewalks; to provide for order and quiet and the observance of the Sabbath; to plant and protect shade trees; to make regulations in respect to public health; to abate nuisances, and, to this end, confer upon the mayor and such other officers as may be designated all necessary authority and jurisdiction; to regulate and prohibit the running at large of animals; to assess, levy and collect taxes on all property of every character and description within the corporation except as prohibited by general law; to grant franchises within the corporation, and to pass all ordinances that may be deemed necessary or proper to carry into effect the objects of the incorporation and promote the general welfare of the town and to punish their violation by fine or imprisonment or both, and shall have power to exercise all other powers which may not be herein expressly named, granted to incorporated towns under the general laws of the State.

The council shall have power, in order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the town, to provide for old and historic districts in which no building or structure shall be erected, reconstructed, altered, restored, or razed until approved by a Board of Architectural Review. The council may create a Board of Architectural Review which shall have the power to pass upon the appropriateness of exterior architectural features, including signs, of buildings and structures to be erected, reconstructed, altered or restored in any old and historic district established in the town, and to prohibit the razing of any building in such a district that was erected prior to or during the year nineteen hundred and is of such architectural or historical interest that its removal would be to the detriment of the public interest.

§ 9. The town council shall annually assess, levy and collect all necessary taxes for roads and streets, *debt service,* and *all* other corporate purposes, on all property within the * *town.*

The assessment for taxation of property shall be the same as the last county assessment, provided that the assessor, who shall be elected by the council, shall notify the commissioner of the revenue of the county of any personal property or any real estate not assessed by the county, and all improvements made, adding value to any real estate since the last county assessment and thereupon the same shall be assessed as provided by general law.

As the assessment is completed the tax tickets shall be made out by the town treasurer. All taxes shall be due and payable on the first day of December in each year, and a penalty of five per cent shall be added to all tax bills not paid on or before the first day of the next succeeding February.

At the annual meeting of the council held on the first Wednesday in

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September of each year, the town treasurer shall make his annual settlement with the town council and he shall also, whenever requested by the council, make a full report of all receipts and disbursements. The council shall have power to provide for sale or rental of any real estate so delinquent, and generally shall have all the powers, rights and remedies possessed by the State and county for the collection of unpaid and delinquent taxes.

2. An emergency exists and this act is in force from its passage.

CHAPTER 410

An Act to authorize the rector and visitors of the University of Virginia to borrow funds to erect apartments for married students and to prescribe the conditions in connection therewith.

[H 204]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The rector and visitors of the University of Virginia are hereby authorized to borrow funds from the United States or any agency thereof or from any other source for the purpose of building not exceeding twelve apartment houses to house one hundred twenty married students, at a total cost not to exceed one million two hundred thousand dollars and to issue revenue bonds for the repayment of said loan which bonds shall be solely payable from the revenue derived from rentals received from students occupying such apartments; provided, however, that the Commonwealth of Virginia shall not at any time be required to provide funds for the operation or maintenance of said apartments.

The full faith and credit of the State shall not be pledged to secure in any way any such bonds.

The construction shall be in accordance with the Manual for the Planning and Execution of Capital Outlays, Commonwealth of Virginia. Priority in the assignment of these apartments shall be given the residents of Virginia.

Chapter 3 of Title 23 of the Code of Virginia, as now or hereafter amended, shall be complied with in all other respects in such transactions.

CHAPTER 411

An Act to amend and reenact § 53-188 of the Code of Virginia, relating to the control, management and supervision of jail farms of counties and cities.

[H 212]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 53-188 of the Code of Virginia be amended and reenacted as follows:

§ 53-188. (a) When the control, management and supervision of the jail farm of any county or city is vested in the sheriff or sergeant of such county or city, such jail farm shall, for the purpose of this article, and of §§ 53-165, 53-166, 53-170, 53-171 and 53-173 to 53-176, be treated as a jail and included within the meaning of the term "jail" as used in this article and in such sections.

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(b) When the control, management and supervision of the jail farm of any county or city is not vested in the sheriff or sergeant of such county or city, the Director may enter into a contract with such county or city, or with the appropriate authorities thereof, for the care and custody at such jail farm of persons accused or convicted of any offense against the laws of the Commonwealth and witnesses held in cases to which the Commonwealth is a party. Each such contract shall specify the responsibility of the authorities of the county or city for the care and custody of such persons and shall prescribe the compensation therefor to be paid such county or city. Such compensation shall be based on the cost of providing for the care and custody of such prisoners at such jail farm, including therein only the reasonable cost of guarding, and providing necessary housing, maintenance, administrative expenses, food, clothing, medicine and medical attention for such prisoners, * and shall be paid by the State Treasurer, out of the funds appropriated in the general appropriation act for criminal charges, upon warrants of the Comptroller issued upon vouchers signed by the Director, or by such other person or persons as may be designated by the Director for such purpose.

(c) When the control, management and supervision of the jail farm of any county or city is not vested in the sheriff or sergeant of such county or city, such county or city may collect from the United States, for prisoners of the United States at such jail farm, such amounts as may be agreed upon by the Director and the appropriate authorities of the Government of the United States, which amounts shall not be less than the actual cost of feeding, clothing and caring for such prisoners. Such county or city may also collect from the other counties, cities, or towns of the Commonwealth, and from any state, other than this State, and from any country other than the United States, for which any prisoner is held at the jail farm of such county or city, the reasonable cost of guarding, and providing necessary food, clothing, medicine and medical attention for prisoners held for such other county, city, state or country, the amount thereof to be agreed upon by the governmental units involved, or, in the absence of such agreement to be fixed by the Director.

CHAPTER 412

An Act to amend and reenact § 15-243, as amended, of the Code of Virginia, relating to calling special meetings of boards of supervisors and matters which may be considered at such meetings.

[H 221]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-243, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-243. A special meeting of the board of supervisors shall be held when requested by two or more of the members thereof. Such request shall be in writing, addressed to the clerk of the board, and shall specify the time and place of meeting and the matters to be considered at the meeting. Upon receipt of such request, the clerk shall immediately notify each member of the board and Commonwealth's attorney, in writing, to attend upon such meeting at the time and place mentioned in the request. Such notice shall specify the matters to be considered at the meeting. The clerk shall send a copy of such notice to each member of the board and Commonwealth's attorney by registered mail not less than five days before the day

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of the special meeting; *provided that in any county having a population of more than twenty-three thousand but less than twenty-three thousand two hundred such notice may be so sent not less than twenty-four hours before the time of the special meeting;* provided, that the clerk may have such notice served on the members of the board and Commonwealth's attorney by the sheriff of the county, if he deems the same necessary to secure their attendance; and provided further, that no matter not specified in the notice shall be considered at such meeting, unless all the members of the board are present. The sheriff shall be allowed fifty cents for the service of each such notice, payable out of the county levy.

CHAPTER 413

An Act to amend and reenact § 29-184.2, as amended, of the Code of Virginia, relating to enforcement of dog laws in counties, license tax rates and disposition of proceeds.

[H 226]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-184.2, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-184.2. (a) Notwithstanding any other provision of law, except § 29-184.3, in any county, the enforcement of the dog laws and local ordinances enacted pursuant to § 29-184.4 may, in the discretion of the governing body thereof, be vested in a dog warden and deputy dog wardens, and upon the appointment therein of a dog warden and deputy dog wardens the game warden shall have no jurisdiction as to the enforcement of the dog laws. In any such county the judge of the circuit court shall appoint an officer to be known as the dog warden, who shall have exclusive jurisdiction as to the enforcement of the dog laws in such county; the judge may also appoint one or more deputy dog wardens to assist the dog warden in dog inspection activities and in dog law enforcement. Provided, however, that in any county having a population in excess of twenty-three thousand three hundred fifty but not in excess of twenty-three thousand three hundred seventy, the circuit court shall appoint the dog warden and any deputy recommended by the governing body of such county. Provided, however, that any county which has adopted the county manager form of organization and government provided by chapter 11 (§ 15-266 et seq.), Title 15, *or any county having a population of more than ninety-eight thousand but less than ninety-nine thousand,* shall appoint such dog warden and deputy dog wardens in the same manner as are other employees as provided in § 15-314, *and that in any county which has adopted the county manager form of organization and government provided by Chapter 12 (§ 15-345 et seq.), Title 15, shall appoint such dog warden and deputy dog wardens in the same manner as are other employees as provided in § 15-355.* Such deputy dog wardens shall have the powers and duties of a dog warden. The dog warden and deputy dog wardens shall have all the powers and duties of a game warden in the enforcement of the dog laws *where such dog warden and deputy dog wardens serve only one county or city. In all other cases, such dog warden and deputy dog wardens shall have all the powers and duties of a game warden.* The dog warden and deputy dog wardens shall be paid such compensation as the governing body of the county may prescribe. *Provided that in the county of Wise such compensation shall not be less than $400.00 per month nor more than $500.00 per month. The governing body of any county in which a dog*

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warden or deputy dog wardens have been appointed may contract with one or more additional counties for enforcement of the dog laws in such counties by such dog warden or deputy dog wardens. Any such contract may provide that the county employing such dog warden or deputy dog wardens shall be reimbursed a portion of the salary and expenses of such dog warden or deputy dog wardens.

(b) The appointments shall be made by the court or judge on or before the thirtieth day of June for one year commencing on the first day of July and expiring on the thirtieth day of June next succeeding.

(c) In such county the amount of the dog license tax, which in no event shall be more than five dollars per dog, shall be fixed by ordinance adopted by the governing body of such county, and thereafter the tax imposed under § 29-184 shall not apply therein. The funds collected for dog license taxes shall be paid into a special fund and may be disposed of as provided in this section and in §§ 29-206 and 29-209, except that the county treasurer shall not be required to remit any portion of such funds to the State Treasurer nor shall the governing body be required to supplement the salary of the game warden. The county shall pay the salaries and expenses of the dog warden and deputy dog wardens from such special fund. Any sum remaining shall be * transferred * *to the general fund of the county at the end of the* fiscal year.

(c1) The Governor is hereby authorized to transfer at one time or from time to time from the unappropriated balance in the Game Protection Fund such sum as may be necessary and recommended by the Director of the Budget for the revision of the salary of the game warden in any county adopting the provisions of this section.

(d) All other provisions of chapter 9 (§ 29-183 et seq.) of this title shall apply mutatis mutandis to any such county and dog wardens and deputy dog wardens therein.

*

2. An emergency exists and this act is in force from its passage.

CHAPTER 414

An Act to amend and reenact § 58-811.1, as amended, of the Code of Virginia, relating to assessment of new buildings and providing an extension of time for paying such assessment.

[H 234]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-811.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-811.1. In any county or city in which a resolution so directing shall have been adopted by an affirmative vote of a majority of the members of the governing body thereof, all new buildings * substantially completed and fit for use, occupancy and enjoyment *prior to November one of the year of completion shall be assessed when so completed,* and the commissioner of the revenue of such county or city shall enter in the books the fair market value of such building; provided, however, that no such partial assessment shall become effective until information as to the date and amount of such assessment is recorded in the office of the official authorized to collect taxes on real property and made available for public inspection. The tax on such new building *for that year* shall be computed according to the ratio which the portion of the year such building is fit

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for use, occupancy and enjoyment bears to the entire year, *and with respect to any assessment made under this section after September one of any year the five per cent penalty for nonpayment by December five shall be extended to February five of the succeeding year.*

CHAPTER 415

An Act to amend the Code of Virginia by adding a section numbered 14-69.3, relating to salaries of county treasurers.

[H 238]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 14-69.3 as follows:

§ 14-69.3. The maximum salary brackets provided for county treasurers by §§ 14-69, 14-69.1 and 14-69.2 applicable to each treasurer shall be increased by ten per centum.

CHAPTER 416

An Act to amend the Code of Virginia by adding a section numbered 14-71.3, relating to salaries of county commissioners of the revenue.

[H 239]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 14-71.3 as follows:

§ 14-71.3. The maximum salary brackets provided for county commissioners of the revenue by §§ 14-71, 14-71.1 and 14-71.2 applicable to each commissioner of the revenue shall be increased by ten per centum.

CHAPTER 417

An Act to amend the Code of Virginia by adding a section numbered 14-70.2, relating to salaries of city commissioners of the revenue.

[H 242]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 14-70.2 as follows:

§ 14-70.2. The maximum salary brackets provided for city commissioners of the revenue by §§ 14-70 and 14-70.1 applicable to each commissioner of the revenue shall be increased by ten per centum.

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CHAPTER 418

An Act to amend and reenact § 58-829 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 58-829.2 and 58-829.3, relating to classifications for local taxation of certain tangible personal property.

[H 244]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-829 of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding sections numbered 58-829.2 and 58-829.3, as follows:

§ 58-829. Tangible personal property having been segregated by law for local taxation only, the classification hereunder, *except as otherwise provided by law,* shall be as follows:

(1) The aggregate number of horses, mules and other kindred animals and the value thereof.

(2) The number of cattle and the value thereof.

(3) The number of sheep and goats and the value thereof.

(4) The number of hogs and the value thereof.

(5) The aggregate number and value of all automobiles, motor trucks, motorcycles and all other motor vehicles, *except any vehicle without motive power used or designed to be used as a mobile home or office or for other means of habitation by any person.*

(6) The aggregate value of all animal drawn vehicles and bicycles.

(7) The aggregate value of all farming implements and tools of mechanics.

(8) The aggregate value of all felled timber, ties, poles, cord wood, bark and other timber products and all agricultural products, in the hands or possession, legal or constructive, of a purchaser, provided that grain, tobacco and other agricultural products in the hands of a producer of the same are hereby declared exempt from taxation as property under this section.

(9) The aggregate value of all household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.

(10) The aggregate value of all pianos, organs, victrolas, phonographs and records to be used therewith and all other musical instruments of whatever kind, radio instruments and equipment.

(11) The aggregate value of all oil paintings, pictures, statuary, curios, articles of virtu and works of art.

(12) The aggregate value of all diamonds, cameos or other precious stones and all precious metals as ornaments or jewelry.

*

(14) The aggregate value of all ships, tug boats, barges, boats or other craft of five tons burthen or over and all other floating property, not required to be assessed by the State Corporation Commission, used for business or pleasure, together with their tackle, rigging, furniture and all else that pertains to them or of any share or interest therein, though such boats or other water craft or any one of them may not be at the time of the assessment in the waters of the State.

(15) The aggregate value of all other tangible personal property not herein specifically enumerated, including the value of all seines, pound nets, fykes, weirs and other devices for catching fish and the aggregate value of all toll bridges, turnpikes and ferries, except steam ferries owned

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and operated by a chartered company, and the value of all poles, wires, switchboards, telephone or telegraph instruments, apparatus and other such property, owned by any person, firm, association or company not incorporated.

§ 58-829.2. All boats or water craft under five tons burthen used for business or pleasure are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classifications of tangible personal property provided in this chapter; provided, however, that the rate of assessment and the rate of tax shall not exceed that applicable to other classes of tangible personal property.

§ 58-829.3. All vehicles without motive power, used or designed to be used as mobile homes or offices or for other means of habitation by any person are hereby defined as separate items of taxation and shall constitute a classification for local taxation separate from other such classifications on tangible personal property provided in this chapter; provided, however, that the rate of assessment and the rate of tax shall not exceed that applicable to other classes of tangible personal property.

CHAPTER 419

An Act for the relief of Mr. and Mrs. Luther Smith.

[H 263]

Approved March 30, 1960

Whereas, one Earl Smith, a dangerous fugitive from justice, secreted himself in a barn owned by Mr. and Mrs. Luther Smith of Ferrum, Virginia, without the knowledge or consent of the owners thereof in an effort to avoid capture by the authorities; and,

Whereas, in the efficient performance of their duty to capture Earl Smith, it became necessary for officers of the Department of State Police to fire tear gas shells into such barn, which shells caused such barn to burn, destroying such barn and all feed, fixtures and equipment contained therein; and,

Whereas, it is proper that Mr. and Mrs. Luther Smith be compensated for the loss which they have sustained; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby appropriated from the general fund of the State treasury the sum of five thousand dollars to be paid to Mr. and Mrs. Luther Smith upon the execution of a release by them of all claims against the Commonwealth, such payment to be made by the State Treasurer on warrant of the Comptroller.

CHAPTER 420

An Act to amend and reenact § 56 of Chapter 189 of the Acts of Assembly of 1902-3-4, approved April 30, 1903, as amended, the chapter providing a charter for the town of Warrenton, and the section relating to town levies.

[H 315]

Approved March 30, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 56 of Chapter 189 of the Acts of Assembly of 1902-3-4, approved April 30, 1903, as amended, be amended and reenacted as follows:

§ 56. The council shall annually order a levy * on all real estate within said town not exempt by law from State taxation, and on all such personal property and other subjects as may at the time be subject to taxation by this charter * , *provided that the tax rate existing on January 1, 1960, shall not be raised until after the election of a new council on June 30, 1961.*

CHAPTER 421

An Act to amend and reenact § 54-441 of the Code of Virginia of 1950, relating to dangerous drugs.

[H 563]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-441 of the Code of Virginia of 1950 be amended and reenacted as follows:

§ 54-441. (1) No person other than a licensed pharmacist shall sell or offer to sell any dangerous drug to consumers or have such drug in his possession with intent to sell or give away to consumers.

(2) But drugs of the sulfonamide group, *drugs defined in § 54-440 (c) or (e) in forms which are unacceptable or unfit for treatment of humans,* antibiotics in medicated feeds and hormones or hormone drug preparations in medicated feeds, manufactured for use in the control of animal diseases and sold in the original, unbroken packages of the manufacturer, plainly labeled to indicate their veterinary nature, giving directions for their use and adequate caution as to the dangerous character of such drugs, may be sold by persons other than licensed pharmacists.

2. An emergency exists and this act is in force from its passage.

CHAPTER 422

An Act to create a political subdivision within Bath County, to be known as the Airport District of Bath County, with the powers conferred upon cities and counties by Articles 1 and 2, Chapter 3 of Title 5 of the Code of Virginia; to authorize the governing body of such county to issue bonds of such district, subject to a referendum, for the acquisition and construction of an airport and to levy taxes for their payment; and to authorize the board of supervisors of said county to transfer to such district all funds donated to the county for the acquisition and construction of an airport; and to declare an emergency exists.

[H 698]

Approved March 30, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Creation of District.—To promote the agricultural and industrial development of the county of Bath and the health, safety, welfare, convenience and prosperity of the inhabitants thereof, there is hereby created within the county a political subdivision to be known as the Air-

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port District of Bath County. For the purposes of this act and not otherwise the district shall be a separate political entity.

§ 2. Boundaries of District.—The boundaries of the district shall be as follows, all references to numbered monuments and corners being to the plat of survey of land purchased by Virginia Hot Springs Company from the Douthat Estate, other corners being lettered:

BEGINNING at A, the intersection of the eastern right of way of Highway U. S. 220 and the center line of the entrance driveway of The Homestead Hotel in the village of Hot Springs; thence with the highway northward toward Warm Springs approximately 4,750 feet to its intersection with the center line of the road to the old Homestead Quarry at B; thence through the land of Virginia Hot Springs, Inc. [hereinafter abbreviated "VHSI"] S. 59° 40′ E. 3,500 feet to Mon. 24, a corner of the old Boone Cabin Tract; thence continuing through VHSI land S. 48° 28′ E. crossing Warm Springs Mountain 4,300 feet to Cor. 36 on top of Little Brushy Mountain at a corner to the George Washington National Forest boundary; thence with the latter the following six courses and distances: (1) S. 28° 59′ W. crossing Porter's Creek 6,666 feet to Mon. 37 near the top of Big Brushy Mountain, (2) along the top of the latter and crossing Wilson Creek in the Bear Loop S. 15° 37′ W. 7,578 feet to Mon. 38, (3) still with the mountain top and east of the present Ingalls Field S. 56° 23′ W. 2,570 feet to Mon. 39, (4) still with the mountain top and east of Ingalls Field S. 43° 55′ W. 5,075 feet to Cor. 40, (5) still with the mountain top S. 42° 40′ W. crossing the south prong of Wilson Creek 7,311 feet to Mon. 41, and (6) down the east side of the mountain S. 27° 58′ W. 10,090 feet to Mon. 42; thence with an outside VHSI line N. 58° 31′ W. 4,884 feet to Mon. 1; thence through VHSI land the following five courses and distances: (1) N. 29° 52′ E. 586 feet to Monument 2, (2) N. 56° 59′ E. 1,777 feet to Monument 3, (3) S. 54° 16′ E. 140 feet to Monument 4, (4) N. 41° 24′ E. 4,278 feet to Monument 5, and (5) on a computed bearing N. 29° 31′ E. 7,150 feet to C at the southeast corner of the Hobby Horse Farm of Mrs. Rachel I. Ingalls; thence with the line of the latter on a computed bearing N. 35° 29′ E. 780 feet to D at the northeast corner of her property; thence through VHSI land on a computed bearing N. 30° 50′ E. 4,700 feet to Cor. 17; thence with a VHSI outside line the following eight courses and distances: (1) N. 56° 01′ E. 3,178 feet to Mon. 18, (2) N. 18° 28′ E. 4,957 feet to Mon. 19, (3) N. 34° 18′ W. 1,295 feet to Mon. 20, (4) N. 50° 09′ E. 2,815 feet to Mon. 21, (5) N. 33° 19′ E. 537 feet to E, described in an old survey as a rock pile with birch pointers, (6) N. 59° 0′ W. 1,699 feet to a stone pile at F, (7) S. 32° 35′ W. 520 feet to a rock pile at G, and (8) N. 59° 45′ W. approximately 700 feet to H on the center line of Shady Lane Extended on the boundary between VHSI and the Rock Spring Farm of Mrs. T. K. Ellis; thence with the center line of Shady Lane Extended northward approximately 250 feet to I at its intersection with the center line of The Homestead Trail; thence with the latter northward approximately 4,300 feet to J at its intersection with the center line of the Airport Road; thence with the latter in a generally northerly direction approximately 2,000 feet to K at the center line of its intersection with the road leading to the VHSI ski and skating area; thence with the latter in a northerly direction approximately 2,200 feet to L at its intersection with the center line of the Tool House Road; thence with the latter in a westerly direction approximately 600 feet to M at its intersection with the center line of Homestead Boulevard; thence with the latter in a southerly direction approximately 2,000 feet to N, a point in the entrance driveway of The Homestead Hotel opposite the main entrance, or front door of the hotel; and thence with the center line of the entrance driveway in a westerly direction approximately 500 feet to the place of BEGINNING; and CONTAINING approximately 6,000 acres.

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§ 3. Powers and Authority of District.—The district shall have and may exercise all of the powers and authority conferred upon the cities and counties of the Commonwealth by Articles 1 and 2 of Chapter 3 of Title 5 of the Code of Virginia as heretofore or hereafter amended and shall be subject to all of the limitations and restrictions thereof; provided, however, the powers of eminent domain hereby granted the district shall be subject to the provisions of § 25-233 of the Code as fully and to the same extent as though the district were a corporation possessing the power of eminent domain.

§ 4. Governing Body of District.—The governing body of the district shall be the board of supervisors of the county.

§ 5. Issuance and Sale of Bonds.—

(a) The governing body of the county in which the district is located shall have power, subject to the conditions and limitations of this section, to issue from time to time bonds of such district in such amount as the governing body may deem necessary for the acquisition, construction and improvement of an airport and incidental facilities and in such form as the governing body may prescribe. Such bonds shall be payable in ten equal annual installments, shall bear interest at the annual rate of Three (3%) Per Cent with installments of principal and interest payable on the first day of January of each year, and may be redeemable at such time or times and upon such notice as the board may prescribe and stipulate upon the face of the bonds when issued. They shall be in such denominations as the board may prescribe, signed by its chairman, and countersigned by its clerk under its seal.

(b) As and when funds are needed for the acquisition or construction of an airport and incidental facilities, such bonds may from time to time be issued and sold at either public or private sale at such price not less than par and accrued interest as the board may determine. All bonds thus issued shall be delivered to the treasurer of the county, who shall deliver same to the purchaser upon payment of the purchase price. The proceeds shall be deposited by the treasurer in the same manner as other funds of the county and shall be used only for the purpose for which issued as directed by order of the board.

(c) In appropriating the proceeds of the sale of the bonds the board may in its discretion either specify in detail how they shall be used for the acquisition and construction of an airport or make a general appropriation for that purpose to the county or to a joint airport committee or commission established under § 5-24 of the Code of Virginia, provided that the proceeds from the sale of bonds may not be used for the maintenance or operation of the airport.

§ 6. Payment of Bonds.—

(a) The net revenue derived from the operation of the airport shall be set aside by the board to pay the interest on the bonds issued hereunder and to create a sinking fund to pay the principal thereof.

(b) Should such net revenue be insufficient for the payment of the interest and principal of said bonds, the board shall, to the extent necessary, levy an annual tax upon all the property in the district subject to local taxation to pay such interest and principal.

(c) The Circuit Court of the county of Bath, or the judge thereof in vacation, upon the petition of a majority of the members of the governing body of said county, shall make an order requiring the judges of election at the precinct or precincts at which the qualified voters living in the said airport district vote, at a time not more than thirty days from the date of such order, which date shall be designated therein, to open a poll and take the sense of the qualified voters of the airport district on the question of whether the governing body of the county shall issue bonds of the airport district in the manner and for the purposes set forth in the preceding

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section of this act. The maximum amount of bonds to be voted upon for issuance at one time or from time to time at said election shall be as determined by the governing body of the county in its petition requesting the election.

(d) The election shall be conducted in the manner prescribed by law for the conduct of regular elections and the ballots shall be printed and voted and the returns made and canvassed and the results certified in accordance with the provisions of § 24-141 of the Code of Virginia.

(e) If it shall appear from the report of the commissioners of election that a majority of the qualified voters of the airport district voting on the question are in favor of issuing the bonds, the Circuit Court, or the judge thereof in vacation, shall enter of record an order requiring the governing body of the county to proceed at its next meeting, which may be a regular meeting or a special meeting, to carry out the wishes of the voters as expressed at the election.

§ 7. Liability and Compensation of Treasurer.—The treasurer of the county and his sureties shall be liable for the amount received from the sale of bonds and collection of taxes herein authorized as though same were a county levy. As compensation for his services in the sale of bonds and disbursement of the proceeds, the treasurer shall receive ⅛ of 1% of the amount coming into his hands, which shall be paid by the purchaser of the bonds. For his services in the collection and disbursement of the district tax levy, the treasurer shall be compensated as if the same were a county levy.

2. The board of supervisors of Bath County is hereby empowered and authorized to appropriate and transfer to the credit of the district hereinabove created any and all funds that may have been donated to the county for the purpose of the acquisition and construction of an airport within said district.

3. This act shall not become operative unless and until the board of supervisors of Bath County shall adopt a resolution that the establishment of such district is needed to promote the agricultural and industrial development of the county and the health, safety, welfare, convenience and prosperity of the inhabitants thereof and that the fee simple owners of all property in the district have filed with the board written consent thereto.

4. An emergency exists and this act is in force from its passage.

CHAPTER 423

An Act to permit counties and certain cities, having a law library for the use of their courts, to assess certain costs in civil actions filed in their courts, and providing that such costs so collected be held for the use and maintenance of such law library.

[S 116]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Any county having the county executive form of government and a population in excess of one hundred fifty thousand in this State having a law library for the use and benefit of the courts of the Commonwealth may, through its governing body, assess as part of the costs incident to each and every civil action filed in the courts located within its boundaries a sum not in excess of one dollar. The imposition of such assessment shall be by ordinance of the governing body and the assessment shall be collected by the clerk of the courts and remitted to the treasurer or finance officer of the

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political subdivision and held by such treasurer or finance officer subject to disbursements by the governing body for the acquisition of law books and law periodicals, and the maintenance of the library, including compensation to be paid to librarians and other necessary staff for the maintenance of such library; the compensation of librarians and the necessary staff are to be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. The assessment provided for herein shall be in addition to all other costs prescribed by law, but shall not apply to civil actions in which the Commonwealth or any political subdivision thereof or the federal government shall be a party. The governing body is authorized to accept contributions to the fund from any bar association.

CHAPTER 424

An Act to amend and reenact § 46.1-357 of the Code of Virginia, relating to procedure and conditions for issuing operators' and chauffeurs' licenses to certain persons.

[S 121]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-357 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-357. (a) No operator's license shall be issued to any person under the age of eighteen years except as hereinafter provided and no chauffeur's license shall be issued to any person under the age of eighteen years except that:

(1) An operator's license may be issued to a minor over the age of 15 years and under the age of eighteen years upon proper application therefor and upon satisfactory evidence that the minor is mentally, physically and otherwise qualified to drive a motor vehicle with safety. The application must be signed by the father and the mother of the applicant, except that if there be only one surviving parent or one parent has sole custody of the minor, as indicated by an appropriate statement on the application, or if in any case the Commissioner determines that for good cause it is not feasible to secure the signature of both parents, it shall be sufficient that the application be signed by the surviving parent, or parent having sole custody of the minor, or the parent whose signature can be obtained, otherwise by the guardian having custody of such minor or in the event a minor under the age of eighteen years has no father, mother or guardian, then an operator's license shall not be issued to the minor unless his application therefor is signed by the judge of the juvenile and domestic relations court of the city or county in which the applicant resides. Any father and mother, surviving parent, parent having custody, or, in the discretion of the Commissioner, either parent, in case both are not present within the State, or guardian, as the case may be, may thereafter file with the Division a written request that the license of said minor so granted be cancelled. Thereupon, the Division shall cancel the license of said minor and such license shall not thereafter be reissued by the Division until a period of six months has elapsed from the date of cancellation. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations court. If it appears that such minor has been adjudged not innocent of the offense alleged the Division shall not issue a license without the written approval of the judge of the juvenile and domestic

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relations court making an adjudication as to such minor or the like approval of a similar court of the county or city in which the parent, guardian, or employer respectively of the child resides.

(2) *Each operator's license issued pursuant to the provisions of paragraph (1) hereof shall contain thereon a suitable legend that such license must be revalidated by the Division of Motor Vehicles within twelve months from the date of original issuance and each succeeding twelve-month period thereafter until the holder thereof attains the age of eighteen years, unless such license is sooner revoked, suspended or cancelled in accordance with other provisions of law. The absence of such evidence of revalidation appearing on such license shall be considered sufficient to prohibit and make unlawful the operation of any motor vehicle in this State by the licensee if such operation occurs after twelve months from the date of issue or last revalidation stamp appearing on such license. The holder of each such operator's license issued pursuant to the provisions of paragraph (1) hereof must apply in person to any point designated by the Division for the examination of operator's or chauffeur's licenses and must be accompanied by a parent or guardian from whom the original consent for the issuance of such license was obtained and such consent shall be reaffirmed by such person at the time of appearance; provided, however, the Division may waive this requirement for good cause shown. The Division, upon receipt of application for revalidation, shall examine the driving record of each such applicant and may revalidate the license or take such other action as may be appropriate in accordance with any other provision of law.*

(3) The Division upon receiving from any person over the age of fifteen years an application for a temporary instruction permit may in its discretion issue such a permit entitling the applicant while having such a permit in his immediate possession, to drive a motor vehicle upon the highways for a period of ninety days and to students in a public or parochial school driver training course which has been approved by the State Department of Education, for a period of 180 days, when accompanied by a licensed operator or chauffeur who is actually occupying a seat by the driver.

(b) No minor under the age of eighteen years shall drive a motor vehicle on the streets and alleys of any city in this State if prohibited from so doing by a proper city ordinance.

CHAPTER 425

An Act to authorize the Rector and Visitors of the University of Virginia to borrow funds to erect certain dormitories, and to prescribe the conditions in connection therewith.

[S 128]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The Rector and Visitors of the University of Virginia are hereby authorized to borrow funds from the United States or any agency thereof or from any other source for the purpose of building not exceeding seven dormitories to house one hundred twenty students each at a total cost not to exceed three million dollars and to issue revenue bonds for the repayment of said loan which bonds shall be solely payable from the revenue derived from rentals received from students occupying such dormitories;

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provided, however, that the Commonwealth of Virginia shall not at any time be required to provide funds for the operation or maintenance of said dormitories.

The full faith and credit of the State shall not be pledged to secure in any way any such bonds.

The construction shall be in accordance with the Manual for the Planning and Execution of Capital Outlays, Commonwealth of Virginia.

Priority in the assignment of these rooms shall be given to residents of Virginia.

Chapter 3 of Title 23 of the Code of Virginia, as now or hereafter amended, shall be complied with in all other respects in such transactions.

CHAPTER 426

An Act to amend and reenact § 8-511, as amended, of the Code of Virginia, relating to giving of judgment on contract in certain cases.

[S 130]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-511, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 8-511. In any action at law on a contract, express or implied, for the payment of money, if the plaintiff file with his motion for judgment *or civil warrant* an affidavit made by himself or his agent, stating therein to the best of the affiant's belief the amount of the plaintiff's claim, that such amount is justly due, and the time from which plaintiff claims interest, and if a copy of such affidavit together with a copy of any account filed with the motion for judgment pursuant to the provisions of the preceding section, shall have been served on the defendant at the time a copy of the motion for judgment is so served, * *he shall be entitled to a judgment on such affidavit and statement of account without further evidence unless the defendant appears and pleads under oath denying that the plaintiff is entitled to recover from the defendant on such claim, in which event plaintiff shall, on motion, be granted a continuance.* If * *the defendant's plea* admits that the plaintiff is entitled to recover from the defendant a sum certain less than that stated in the affidavit filed by the plaintiff, judgment may be taken by the plaintiff for the sum so admitted to be due, and the case be tried as to the residue.

CHAPTER 427

An Act to amend and reenact §§ 24-131 and 24-370 of the Code of Virginia, relating to the filing of notices of candidacy in general and primary elections.

[S 138]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 24-131 and 24-370 of the Code of Virginia be amended and reenacted as follows:

§ 24-131. Notice to clerk of court.—Any person who intends to be a

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candidate for any office not embraced in the foregoing section, at any election, shall give notice * *not later than ten days after the Tuesday after the second Monday in July, or if a second primary was held not later than ten days after the date of the second primary,* before the election if it be a general election *held in November, and at least sixty days before a general election held in June,* and at least thirty days before the election if it be a special election, or within five days after the issuance of any writ of election or order calling a special election to be held less than thirty-five days after the issuance of the writ or order, to the county clerk or clerks of the county or counties, and to the clerk or clerks of the corporation courts of the city or cities whose electors vote for such office, which notice shall in all respects be in the same form as that described by the preceding section and required to be given to the State Board of Elections.

§ 24-370. Declaration of candidacy.—The name of a candidate shall not be printed on any official ballot used at a primary unless, in the case of a candidate for an office filled by election by the qualified voters of the State at large, or of a congressional district, *or for State senator, or for member of the House of Delegates, or for any county, or magisterial district* office, or for a city office at least ninety days, * *and for any town office,* at least sixty days before the primary, he make and file a written declaration of candidacy, and has complied with the rules and regulations of the proper committee of his party.

2. An emergency exists and this act shall be in force from its passage.

CHAPTER 428

An Act to amend the Code of Virginia by adding a section numbered 26-20.1, prescribing certain conditions under which a personal representative may deliver an estate to himself as distributee or legatee.

[S 140]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 26-20.1, as follows:

§ 26-20.1. In lieu of the settlement of accounts required by § 26-17, the personal representative of a decedent who is also the sole distributee of the estate or sole beneficiary of the will of decedent may file with the commissioner of accounts a statement under oath that he has paid all known charges against the estate and, after the time required by law, delivered the residue of the estate to himself as such distributee or beneficiary. If there be a will under which an executor or administrator with the will annexed is the sole residuary legatee, a similar statement may be filed by him if accompanied by proper vouchers showing satisfaction of all other bequests in the will. Such statement shall be considered an account stated and subject to all the provisions of Chapter 2 of Title 26 of the 1950 Code of Virginia as amended applicable to accounts stated.

CHAPTER 429

An Act to amend and reenact §§ 3.02, 4.01 as amended, 4.12, 4.17, 6.02 as amended, 6.09, 6.19, 17.02, 17.06, 17.07, 17.08, 17.13, 19.01 as

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amended, 19.02, 19.03, 19.04, 19.05, 19.06, 19.07 as amended, 19.08, 19.09, 19.10, 19.12, 19.13 and 20.02 as amended, of Chapter 323 of the Acts of Assembly of 1950, approved April 4, 1950, which provided a charter for the city of Falls Church, the sections relating to nomination of candidates for council; composition of council; certain referenda; procedure concerning charter amendments; submission of budgets and hearings thereon; composition and certain functions and duties of the planning commission; adoption of master plan; district boundaries; municipal courts and judges and officers thereof and election of the school board.

[S 141]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.02, 4.01 as amended, 4.12, 4.17, 6.02 as amended, 6.09, 6.19, 17.02, 17.06, 17.07, 17.08, 17.13, 19.01 as amended, 19.02, 19.03, 19.04, 19.05, 19.06, 19.07 as amended, 19.08, 19.09, 19.10, 19.12, 19.13 and 20.02 as amended, of Chapter 323 of the Acts of Assembly of 1950, approved April 4, 1950, be amended and reenacted as follows:

§ 3.02. Candidates for the office of councilmen may be nominated by petition or under general law. There shall be printed on the ballots used in the election of councilmen the names of all candidates who have been so nominated. The requirements for nomination by petition shall be:

(a) Any qualified voter of the city *actually residing within the corporate limits* may be nominated by filing, not less than sixty days before such election, with the clerk of the circuit court of the county of Fairfax and with the State Board of Elections a petition signed by not less than fifty qualified voters of the city; each signature to such petition shall be witnessed by a person whose affidavit to that effect is attached thereto, together with the notice of candidacy required by the general laws of the Commonwealth relating to elections.

(b) The petition shall state the name and address of the residence of the person whose name is presented thereby as a candidate.

The requirements for nomination under general law shall be as therein prescribed.

§ 4.01. The council shall consist of seven members, *who shall be qualified voters of the city actually residing within the corporate limits, and they shall be* elected as provided in Chapter 3. They shall each receive in full compensation for their services the sum of fifty dollars per month and shall not be entitled to any other allowance of any kind except that the mayor or vice-mayor when acting as mayor, or any member of the council, subject to the approval of the council, may be allowed his actual expenses incurred in representing the city. No member of the council shall during the term for which he was elected and one year thereafter be appointed to any office of profit under the government of the city.

§ 4.12. The council shall have authority, by resolution, to submit to the qualified voters of the city for an advisory referendum thereon any proposed ordinance or amendment to the city charter, not less than thirty nor more than sixty days after the passage of such resolution. The election shall be conducted and the result thereof ascertained and determined in the manner provided by § 24-141 of the Code of Virginia. If a petition requesting the submission of an amendment to this charter, set forth in such petition, signed by qualified voters equal in number to ten per cent of the largest number of votes cast in any general or primary election held in the city during the five years immediately preceding and verified as hereinafter provided, is filed with the city clerk he shall forthwith certify that fact to the council. The signatures to such petition shall be witnessed

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by a person whose affidavit to that effect is attached thereto. Upon the certification of such petition the council shall order an election to be held not less than thirty nor more than sixty days after such certification, in which such proposed amendment shall be submitted to the qualified voters of the city for their approval or disapproval. Such election shall be conducted and the results thereof ascertained and determined in the manner provided by law for the conduct of general elections and by the regular election officials of the city. If a majority of those voting thereon at such election approve the proposed amendment, such results shall be communicated by the city clerk to the two houses of the General Assembly and to the representatives of the city therein with the same effect as if the council had adopted a resolution requesting the General Assembly to adopt the amendment.

§ 4.17. * *Requests to the General Assembly for amendments to this charter shall be by one of the following procedures:*

(a) *By initiative of the qualified voters as set forth in § 4.12 hereof.*

(b) *By election of the qualified voters of the city. The council may provide for holding an election to determine if the qualified voters of the city desire that it request the General Assembly to amend its charter. Such election shall be held within thirty days following the action of the council with respect thereto. At least ten days prior to the holding of such election, the text, or an informative summary of the amendments proposed shall be published in a newspaper of general circulation in the city. If a majority of the qualified voters voting in such election vote in favor of such amendments to the charter, the Clerk shall transmit the necessary copies of the requested amendments to the General Assembly.*

(c) *By resolution of a majority of the entire council. At least ten days notice of the time and place of a public hearing and the text or an informative summary of the proposed amendments shall be published in a newspaper of general circulation in the city. The public hearing may be adjourned from time to time, and upon adoption of a resolution to request the proposed amendments, the Clerk shall transmit the necessary copies to the General Assembly.*

§ 6.02. On a day to be fixed by the council * the city manager shall submit to the council: (a) separate current expense budgets for the general operation of the city government, hereinafter referred to as the general fund budget, including the total budget for the support of public schools as filed with him by the school board, and for each utility as defined in Chapter 13 of this charter; (b) a budget message and the budget message of the school board; and (c) a capital budget, including the capital budget * *as defined in § 6-19 together with the capital budget for schools as submitted to the planning commission by the school board.*

§ 6.09. A public hearing on the budget plan as a whole shall be held by the council within the time and after the notice provided for hearings on ordinances by § 4.10 of this charter, except that the notice of such hearing shall be published in a newspaper of general circulation in the city. *The second reading of the budget ordinances and the public hearing shall be not later than the first regular council meeting in May.*

§ 6.19. At the same time that he submits the current expense budgets, the city manager shall submit to the council a program previously acted upon by the city planning commission, as provided in Chapter 17 of this charter, of proposed capital improvement projects, including schools, as defined in § 7.02 of this charter, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. * *The city manager shall submit with the capital budget an ordinance making appropriations for the capital improvement projects proposed for*

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the ensuing fiscal year, including the capital improvement projects as proposed by the school board, and any ordinance or ordinances necessary to provide the revenue required to finance the proposed projects, unless such appropriations and revenues have been included in the revenue and appropriation ordinances for the general fund or for each utility or under the Water Works Renewal Fund, or the Sanitary Sewer Works Renewal Fund. Whenever the revenue for financing any capital improvement project or projects is to be derived from the sale of bonds, the bond ordinance need not be introduced at the time of submission of the capital budget, but any appropriations for any project or projects, to be so financed shall be contingent upon the issuance of such bonds being authorized in accordance with § 7.06 of this charter. The council shall have power to accept, with or without amendments, or reject, the proposed program and proposed means of financing for the ensuing fiscal year but, except in the case of emergency as provided in subsection (d) of § 2.02 of this charter, and except to meet needs for capital improvements arising out of annexation of additional territory taking effect during the current or preceding fiscal year and except to meet needs for capital improvements which could not reasonably have been foreseen at the time of adoption of the capital budget, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget *and on any revenue or appropriation ordinance submitted therewith,* not later than the twenty-eighth day after the adoption of the general fund budget. *The council shall in no event adopt a capital budget in which the total of expenditures for the ensuing fiscal year exceeds the estimated receipts unless at the same time it adopts measures for providing additional revenue in the ensuing fiscal year sufficient to make up the difference.* No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned, and if there be no such indebtedness shall be available for appropriation in the next capital budget.

§ 17.02. There shall be a city planning commission which shall consist of seven members appointed by the Council. One member shall be a member of the Council who shall be appointed for a term coincident with * *the term of the mayor as provided in § 4.03 of this charter;* one member shall be a member of the Board of Zoning Appeals appointed for a term coincident with his term on such board; five citizen members shall be qualified voters of the city, actually residing within the city limits, who hold no office of profit under the city government, appointed for terms of four years; * provided, * that three of the citizen members shall be appointed to serve from the first of January, 1955, and two of the citizen members shall be appointed to serve from the first of January, 1957. Vacancies shall be filled for the unexpired portion of the term. A member may be removed by the council for neglect of duty or malfeasance in office, upon written charges and after public hearing. Members of the City Planning Commission shall serve as such without compensation.

§ 17.06. The commission may adopt the plan as a whole by a single resolution, or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the area to be covered by the master plan or with functional subdivisions of the subject matter of the plan, and

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may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the city. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than four members of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby, shall be certified to the council and upon approval by it to the clerk of the circuit court of the county who shall file the same. Approval by the council shall be by resolution.

Amendment of the master plan may be initiated by a majority vote of the city council to submit a proposed amendment to the planning commission. If the planning commission disapproves the proposed amendment, the council shall have power to overrule such action by the affirmative vote of not less than five members. Failure of the planning commission to act within sixty days from the date of the official submission to it shall be deemed approval; provided, however, that the sixty days limitation may be extended by resolution of the City Council for a period not to exceed a total of one hundred twenty days.

§ 17.07. Whenever a master plan for the city or one or more parts thereof, geographical, topographical or functional, shall have been adopted and filed, as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, school, public building or structure, shall be constructed or authorized in the city or in the planned section or division thereof * until and unless the general location, character and extent thereof has been submitted to * the *planning* commission * *and until the commission determines that the general location, character and extent are included in the master plan.*

Except for local distribution or service operations, no public utility, whether publicly or privately owned, shall be constructed or authorized in the city or in the planned section or division thereof unless and until * its general location, * character and extent, * *have* been submitted to * the commission, *and until the commission determines that the master plan includes the general location, character and extent of the proposed utility.* * *However,* such submission and * *determination* shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission. *

The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the city, as well as the acquisition by the city of any land within or without the city for public purposes, or the sale of any land then held by the city, shall be * *submitted to the planning commission for its approval. If the commission disapproves of any such proposal, it shall communicate its reasons to the city council which shall have the power to overrule such action by a recorded affirmative vote of not less than five members. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval.*

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The * provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way.

§ 17.08. It shall be the duty of the commission to prepare and revise annually a program of capital improvement projects for the ensuing five years, and it shall submit the same annually to the city manager, at such time as he shall direct, together with its recommendations, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year and in the next four years, as the basis of the capital budget to be submitted to the council by the city manager. *At a day to be fixed by resolution of the city council each department, commission and board, including the school board, shall submit through the city manager to the planning commission a detailed listing of all immediate and long range capital improvement needs falling within the jurisdiction of the submitting department, commission or board, together with its estimates of cost of each of the various projects, and its recommendations as to priority and timing of the projects listed. The city manager, shall, on the same day, submit to the commission a report on the financial condition of the city, together with a general summary of his forthcoming general fund budget, insofar as it may relate to any contemplated capital fund projects.* In the preparation of its capital budget recommendations, the commission shall consult with the city manager, the school board, the heads of departments and interested citizens and organizations, and shall hold such public hearings as it shall deem necessary. *In transmitting its recommendations, the commission shall also transmit any capital budget of all boards and commissions including the school board as originally submitted.*

§ 17.13. Subject to the other provisions of this chapter, the council shall have power by ordinance to adopt the regulations and restrictions hereinbefore described and determine the boundaries of the districts in which they shall apply, provide for their enforcement, and from time to time amend, supplement or repeal the same. The council shall also have authority to provide for the collection of fees to cover at least the costs involved in the consideration of any request for amendment, supplement or repeal of any such regulation, restriction or boundaries, to be paid to the city clerk by the applicant upon filing such request. No ordinance adopting, amending, supplementing or repealing, any such regulation, restriction or boundaries shall be adopted until: (a) the ordinance adopting, amending, supplementing or repealing, any such regulation, restriction or boundaries has been referred to the city planning commission and approved by it, and in case of disapproval by the commission subject to overrule by the council by the affirmative vote of not less than five members of the council; and (b) * after a public hearing in relation thereto shall be held by the council at which the parties in interest and other persons shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be given by publication thereof in a newspaper of general circulation in the city. * *Whenever such ordinance involves the amendment, supplement, or repeal of any district boundaries, fifteen days notice of such public hearing shall also be given by conspicuous notices posted along the boundary lines of any land involved.*

§ 19.01. *There shall be a municipal court for the city of Falls Church.* The council shall elect at the first regular meeting of the council in September * *1960* and every four years thereafter, a * *municipal judge* who shall be judge of the Municipal Court, and who shall be an attorney at law licensed to practice under the laws of the Commonwealth but not necessarily a resident of the city.

§ 19.02. * *The judge of the Municipal Court and every associate*

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judge, substitute judge, clerk, deputy clerk, referee, bailiff and juvenile probation officer thereof, before entering upon the performance of his duties, shall take the oath prescribed by law. *The oath of the judge, associate judge and substitute judge shall be taken before the judge or clerk of a court of record to which appeals from the municipal court lie, and the oath of the clerk and other officers of the municipal court shall be taken before the judge of the municipal court. Before entering upon the performance of his duties the judge, associate judge, and substitute judge of the municipal court* shall enter into bond in the penalty of two thousand dollars payable to the city of Falls Church, Virginia, and conditioned as the law directs, with corporate surety deemed sufficient by the council of said city, which bond shall be filed with the clerk of the * court, *to which appeals lie from the municipal court* and preserved in his office.

§ 19.03. Such * *municipal judge* shall receive such monthly salary as the council may determine, which salary is to be paid in the same manner as the salaries of other officials are paid, and he shall receive no other compensation for his services as * *municipal judge.*

§ 19.04. The said * *municipal judge* shall cause to be collected such costs and fees required by law to be paid to him in civil matters; the amount of such costs and fees shall be the same as allowed to justices of the peace and * *county and municipal judges* by general law, except that said * *judge* shall receive for issuing a warrant of arrest in a misdemeanor case the sum of one dollar; for issuing a warrant of arrest in a felony case the sum of two dollars; for issuing a search warrant in any case the sum of two dollars; for admitting any person to bail charged with a misdemeanor, the sum of one dollar, for admitting any person to bail charged with a felony, the sum of two dollars, provided that none of said fees shall be taxed against or paid by the said city; for issuing a warrant or other process of similar kind in a civil case, the sum of one dollar, for trying any civil case when the amount or thing in controversy does not exceed one hundred dollars in value, the sum of one dollar; for each one hundred dollars additional or fractional part thereof in value, the sum of fifty cents, which said fee shall be taxed as a part of the costs; providing that in all criminal cases tried before such justice, and in which there is a conviction, the said justice shall, if authorized by the council, tax as a part of the costs the sum of one dollar as trial fee, and not more than two dollars as arrest and attendance fees of officers, which criminal trial fees and arrest and attendance fees shall be collected and paid into the city treasury and all fines collected shall be accounted for according to general law and city ordinances and paid into the treasury of the said city or to the State, whichever may be entitled thereto. In civil cases, the * *municipal judge* shall charge and cause to be collected for every second or subsequent continuance of the case, a fee of fifty cents, to be paid at the time such continuance is granted, by the party on whose motion or at whose request such continuance is granted, but such continuance fee shall not be taxed as a part of the costs of such case.

§ 19.05. The jurisdiction of the * *municipal court* shall be as follows: *

*(a) * Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, or for any injury to the person, which would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed three hundred dollars exclusive of interest and any attorney's fees contracted for in the instrument, and concurrent jurisdiction with the courts of record having jurisdiction in such territory of any such claim when the amount thereof exceeds three hundred dollars but does not exceed two thousand dollars, exclusive of interest and any attorney's fees contracted for in the instrument.*

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(b) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed two thousand dollars exclusive of interest and any attorney's fees contracted for in the instrument.

(c) Jurisdiction of actions of unlawful entry or detainer as provided in Article 1 of Chapter 36 of Title 8 and in Chapter 13 of Title 55 of the Code of Virginia.

(d) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any municipal judge, county judge, trial justice, civil justice, civil and police justice, or police justice under or by virtue of any provisions of the Code of Virginia.

(e) Exclusive original jurisdiction in criminal matters within the city, and except as otherwise provided by general law, within the area extending for one mile beyond the corporate limits thereof, for the trial of all offenses against the ordinances and laws of the city committed within the city.

(f) Concurrent jurisdiction with the court of record to which appeals from the municipal court lie, in all cases of violation of the revenue and election laws of the Commonwealth, and of all offenses arising under the provisions of Chapter 9 of Title 18 of the Code of Virginia.

(g) Except when it is otherwise specifically provided, exclusive original jurisdiction within the corporate limits for the trial of all other misdemeanors arising therein.

(h) Such other jurisdiction, exclusive or concurrent, as may be conferred upon it by general law, or by the provisions of this charter.

(i) Nothing contained herein shall be considered to limit the jurisdiction of the municipal court otherwise granted by this charter or the laws of the Commonwealth of Virginia.

§ 19.06. The said * *municipal judge* shall keep a civil docket book and a criminal docket book, in which shall be entered all cases tried and prosecuted before him and all civil processes issued by him, except summonses for witnesses, the proceedings had therein and the disposition of same, which docket books shall be furnished by the council. All papers connected with any proceedings before such justice, except such as may be removed on appeal, distress warrants, and such as in criminal matters may be required by law to be returned or lodged in the office of the Clerk of the Circuit Court of Fairfax County, shall be properly indexed, filed and preserved. The council shall provide, for such * *municipal judge* the necessary and proper books, forms, files and office equipment, which shall be and remain the property of the city, and shall be turned over by such * *municipal judge* to his successor in office. The books and papers in such office shall be examined and audited at any time the council may see fit by such person or persons as the council may designate.

§ 19.07. He shall keep a regular account of all fees, fines, forfeitures and costs imposed or arising in the administration of his office in both civil and criminal matters, which he shall report to the auditor, at such intervals and in such form as the council may require. The said * *municipal judge* or the clerk of the municipal court, if such office is appointed, or such other person as the council may designate for that purpose, shall collect all fines, forfeitures and costs imposed in said court and report to the auditor monthly such as have accrued to the city, and pay the same to the city treasurer not later than the fifth day of the next succeeding month in which collected, and shall segregate and transmit to the State Treasurer all fines and forfeitures accruing to the Commonwealth.

§ 19.08. The * *municipal judge* shall hold his court at such place and time as may be prescribed by the council, and if from any cause he is un-

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able to act, the substitute * *municipal judge* shall discharge the duties of the * *municipal judge* prescribed herein during such inability.

§ 19.09. Any vacancy occurring in the office of the * *municipal judge* or substitute * *municipal judge* from any cause, shall be filled by the council by the election of a person with like qualifications, prescribed by this charter.

§ 19.10. The council shall elect a substitute * *municipal judge* for such term as the council may designate. He shall possess the qualifications for the * *municipal judge,* and shall act for said * *municipal judge,* when, from any cause, said * *municipal judge* is unable to perform the duties of his office. When acting for said * *municipal judge,* he shall be subject to all the provisions of law regarding the * *municipal judge* and shall possess all the jurisdiction and exercise all the power and authority and receive * *such* salary as is prescribed by the * *council;* and either of said * *judges* while serving as * *municipal judge* may perform acts, with reference to the proceedings of the other in any matter, in the same manner and with the same force and effect as if they were his own. *

§ 19.12. The council may in its discretion, elect * *one or more* bailing justices for said city. If and when elected, he shall take the oath prescribed by law and give bond in the penalty of one thousand dollars, conditioned according to law to be approved by the council with corporate surety. He shall be a resident of the city during his term of office.

He shall have authority to issue summonses in criminal cases and criminal warrants, returnable before, and to be heard and determined by the * *municipal judge* or the substitute * *municipal judge* and to bail persons charged with misdemeanors or violations of the city ordinances. His term of office shall be concurrent with that of the * *municipal judge,* and his compensation shall be determined by the council, and the same fees shall be collected by the said bailing justice as are allowed by this charter to the * *municipal judge* for issuing summonses in criminal cases, criminal warrants, search warrants, and admitting persons to bail in misdemeanor cases and for violations of the city ordinances, but in no case shall any of such fees be taxed against, chargeable to or paid for by the said city, nor shall the bailing justice's salary be determined by the amount of fees accruing from his service, nor shall he receive any part of such fees for his services. The said bailing justice shall be a conservator of the peace within the corporate limits of the city of Falls Church, but shall have no other authority, powers or jurisdiction except those provided for in this charter.

§ 19.13. The council may elect a special justice of the peace, who shall at time of election possess the same qualifications of the * *municipal judge,* to be known as the judge of the juvenile and domestic relations branch of the Municipal Court of the city of Falls Church, who shall hold office for a term * *coincident to the term of the municipal judge* and until his successor has been elected and has qualified, unless sooner removed as provided by general law. He shall have and possess all the authority and jurisdiction given judges of juvenile and domestic relations courts by general law, provided, that the council may designate the * *municipal judge* or the substitute * *municipal judge* to act as the judge of the juvenile and domestic relations court. The judge of the juvenile and domestic relations court shall receive such compensation as the council may by ordinance or resolution prescribe. He shall take the oath prescribed by law and give such bond as the council may require. In the event of the election of the juvenile and domestic relations judge who shall not be the * *municipal judge,* the * *muncipal judge* shall be senior judge of the municipal court of the city of Falls Church.

§ 20.02. (a) The school board shall consist of seven trustees who shall be qualified voters of the city actually residing within the city limits.

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The trustees in office at the effective date of this charter are hereby continued in office for the term for which they were elected.

(b) At its first regular meeting in * *September, 1960,* and every three years thereafter, the council shall elect two trustees for a term of three years from the first day of * *October* following their election; and at its first regular meeting in * *September, 1961,* and every three years thereafter, the council shall elect * *three* trustees for a term of three years from the first day of * *October* following their election. At its first regular meeting in * *September, 1962,* and every three years thereafter, the council shall elect * *two* trustees for a term of three years from the first day of * *October* following their election. Except as provided in this charter the school board shall have all the powers and duties relating to the management and control of the public schools of the city provided by the general laws of the Commonwealth, including right of eminent domain within and without the city. None of the provisions of this charter shall be interpreted to refer to or include the school board unless the intention so to do is expressly stated or is clearly apparent from the context.

(c) The power conferred on the city by §§ 2.03 (f) and 2.03 (h) shall be exercised by the school board with respect to property and buildings devoted to public school purposes. The title to property and buildings devoted to public school purposes shall be in the school board.

In addition to the authority conferred upon the city by Chapter 7, the school board may borrow from the Literary Fund of Virginia or from such other sources as may be available to it by general law.

2. An emergency exists and this act is in force from its passage.

CHAPTER 430

An Act to amend and reenact § 15-764.12, as amended, of the Code of Virginia, relating to powers of water and sewer authorities.

[S 142]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-764.12, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-764.12. Each authority created hereunder shall be deemed to be an instrumentality exercising public and essential governmental functions to provide for the public health and welfare, and each such authority is hereby authorized and empowered:

(a) To have existence for a term of fifty years as a corporation;

(b) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(c) To adopt an official seal and alter the same at pleasure;

(d) To maintain an office at such place or places as it may designate;

(e) To sue and be sued;

(f) To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain any water system, or sewer system, or sewage disposal system, or a garbage and refuse collection and disposal system or any combination of such systems within or partly within and partly without one or more of the political subdivision or subdivisions by action of whose governing body or governing bodies the authority was created, and to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith; and to sell, lease as lessor, transfer or dispose of any property

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or interest therein at any time acquired by it; provided, that the authority shall have the same power of eminent domain *and shall follow the same procedure therefor* as provided * in §§ 15-749 *and 15-754* of the Code of Virginia, * except that the authority shall not take by condemnation proceedings any property belonging to any corporation possessing the power of eminent domain, unless, after hearing all parties in interest, the State Corporation Commission shall certify that a public necessity or that an essential public convenience shall so require, and shall give its permission thereto; *and except that the authority shall not take by condemnation proceedings less than the whole of the property owned by any corporation possessing the power of eminent domain, unless the property taken is not essential to the purpose of the corporation; or unless the authority, as a part of the properties taken, takes the whole of the property owned by the corporation located within the county, city or town which created the authority or which is a member thereof;* and provided, that the authority shall not have the power to condemn any property owned or operated by any corporation which is subject to regulation by the Interstate Commerce Commission; and provided further, that no property or any interest or estate therein owned by any county, city, town or other political subdivision of the State shall be acquired by the exercise of the power of eminent domain without the consent of the governing body of such county, city, town or political subdivision; except as otherwise herein provided, each authority is hereby vested with the same authority to exercise the power of eminent domain as is vested in the State Highway Commissioner of Virginia;

(g) To issue revenue bonds of the authority, such bonds to be payable solely from revenues to pay all or a part of the cost of a water system, sewer system, or sewage disposal system, or a garbage and refuse collection and disposal system, or any combination of such systems; provided, that no authority operating in any city having a population in excess of fifty thousand but not in excess of seventy-five thousand shall hereafter undertake any project not heretofore specified by the enabling ordinance of said city or issue bonds therefor, unless such undertaking is approved by a majority of the qualified voters in the city affected voting in a referendum thereon; such referendum shall be called by the governing body of said city, in the manner provided by § 15-764.6;

(h) To combine any water system, sewer system, sewage disposal system, or garbage and refuse collection and disposal system as a single system for the purpose of operation and financing;

(h-1) To borrow at such rates of interest not to exceed six per centum per annum as the authority may determine from individuals, partnerships, or private or municipal corporations, to issue its notes, bonds or other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property and income. Any county, city, or town which has formed or joined an authority may lend money to such authority.

(i) To fix, charge and collect rates, fees and charges for the use of or for the services furnished by any system operated by the authority. Such rates, fees, rents and charges may be charged to and collected from any person contracting for the same, or from the owner or lessee or tenant, or some or all of them, who uses or occupies any real estate which is served by any such system; and in the case of a sewer system or sewage disposal system such real estate from or on which originates, sewage or industrial wastes, or either, which have entered the sewer or sewage disposal system; and the owner or lessee or tenant of any such real estate shall pay such rates, fees, rents and charges to the authority, or its agent, at the time when and place where the same may be due and payable;

(j) To enter into contracts with the Federal Government, the Com-

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monwealth of Virginia, or any agency or instrumentality thereof, or with any unit, private corporation, copartnership, association, or individual providing for or relating to the furnishing of services and facilities of any water system, sewer system, sewage disposal system, or garbage and refuse collection and disposal system of the authority or in connection with the services and facilities rendered by any such system owned or controlled by the Federal Government or this Commonwealth, any agency or instrumentality thereof, and any unit, private corporation, copartnership, association or individual;

(k) To contract with any municipality, county, corporation, individual or any public authority or unit of this or any adjoining state, on such terms as the said authority shall deem proper, for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state;

(l) To make and enter into all contracts or agreements, as the authority may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted by this chapter, including contracts with any Federal agency or with any unit, on such terms and conditions as the authority may approve, relating to (1) the use by such agency or by such unit or the inhabitants thereof of any water system, sewer system, sewage disposal system, or garbage and refuse collection and disposal system acquired or constructed by the authority under this chapter, or the services therefrom or the facilities thereof, or (2) the use by the authority of the services or facilities of any water system, sewer system, sewage disposal system, or garbage and refuse collection and disposal system owned or operated by an owner other than the authority. Any such contract shall be subject to such provisions, limitations or conditions as may be contained in the resolution of the authority authorizing revenue bonds of the authority or the provisions of any trust agreement securing such bonds. Any such contract may provide for the collecting of fees, rates or charges for the services and facilities rendered to a unit or to the inhabitants thereof, by such unit or by its agents or by the agents of the authority, and for the enforcement of delinquent charges for such services and facilities. The provisions of any such contract and of any ordinance or resolution of the governing body of a unit enacted pursuant thereto shall be irrepealable so long as any of the revenue bonds issued under the authority of this chapter shall be outstanding and unpaid, and the provisions of any such contract, and of any ordinance or resolution enacted pursuant thereto shall be and be deemed to be for the benefit of such bondholders. The aggregate of any fees, rates or charges which shall be required to be collected pursuant to any such contract or any ordinance or resolution enacted thereunder shall be sufficient to pay all obligations which may be assumed by the other contracting party. Each water company, which is a public utility supplying water to the owners, lessees or tenants of real estate which is or will be served by any sewer or sewage disposal system of an authority is authorized to act as the billing and collecting agent of the authority for any rates, fees, rents or charges imposed by the authority for the service rendered by such sewer or sewage disposal system and shall furnish to the authority copies of its regular periodic meter reading and water consumption records and other pertinent data as may be required for the authority to act as its own billing and collecting agent. The authority shall pay to such water company the reasonable additional cost of clerical services and other expenses incurred by the water company in rendering such services to the authority. Upon the inability of an authority and such water company to agree upon the terms and conditions under which the water company shall act as the billing and collecting agent of the authority, either or both may petition

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the State Corporation Commission for a determination of the terms and conditions under which the water company shall act as the billing and collecting agent of the authority. In the event that such water company acts as the billing and collecting agent of an authority it shall set forth separately on its bills the rates, fees, rents or charges imposed by the authority, but both the water and sewage disposal charges shall be payable to and collected by the water company, and payment of either shall be refused unless both shall be paid. The authority shall pay to the water company the cost of shutting off any water service on account of non-payment of the sewage disposal charge. In the event of such discontinuance of water service the same shall not be reestablished until such time as the sewage disposal charge shall have been paid;

(m) To enter upon, use, occupy, and dig up any street, road, highway or private or public lands necessary to be entered upon, used or occupied in connection with the acquisition, construction or improvement, maintenance or operation of a water system, sewer system, sewage disposal system, or garbage and refuse collection and disposal system, subject, however, to such reasonable local police regulation as may be established by the governing body of any unit having jurisdiction in the particular respect. The governing body of any unit, notwithstanding any contrary provision of law, is hereby authorized and empowered to transfer jurisdiction over, to lease, lend, grant or convey, to the authority upon the request of the authority, upon such terms and conditions as the governing body of such unit may agree with the authority as reasonable and fair, such real or personal property as may be necessary or desirable in connection with the acquisition, construction, improvement, operation or maintenance of a water system, sewer system, sewage disposal system or garbage and refuse collection and disposal system by the authority including public roads and other property already devoted to public use. The Commonwealth of Virginia hereby consents to the use of all lands above or under water and owned or controlled by it which are necessary for the construction, improvement, operation or maintenance of any such system; except that the use of any portion between the right-of-way limits of any primary or secondary highway in this State shall be subject to the approval of the State Highway Commissioner. Whenever any railroad tracks, pipes, poles, wires, conduits or other structures or facilities which are located in, along, across, over or under any public road, street, highway, alley, or other public right of way shall become an obstruction to, interfere with or be endangered by the construction, operation or maintenance of any system of the authority the governmental unit having ownership, control or jurisdiction over such public road, street, highway, alley or other public right of way may, as the exercise of an essential governmental function, order the safeguarding, maintaining, relocating, rebuilding, removing and replacing of such railroad tracks, pipes, poles, wires, conduits or other structures or facilities by the owner thereof at the expense of the authority, and subject to the provisions of § 25-233 of the Code of Virginia; and

(n) In the event of any annexation by a municipality not a member of the authority of lands, areas, or territory served by the authority, to continue to do business, exercise its jurisdiction over its properties and facilities in and upon or over such lands, areas or territory as long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in force.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 431

An Act to amend and reenact § 4 as amended, of Chapter 412 of the Acts of Assembly of 1922, approved March 24, 1922, which provided a charter for the town of Woodstock, and to amend said chapter by adding sections numbered 4a through 4d, inclusive, the amended and new sections relating, respectively, to powers of the town; composition and election of the governing body; appointment of a town manager; legislative procedure; and continuing effect of certain ordinances.

[S 143]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 4 as amended, of Chapter 412 of the Acts of Assembly of 1922, approved March 24, 1922, be amended and reenacted and that said chapter be amended by adding sections numbered 4a through 4d, inclusive, as follows:

§ 4. * *The powers set forth in §§ 15-77.1 through 15-77.70 of the Code of Virginia as in force on January one, nineteen hundred sixty, are hereby conferred on and vested in the town of Woodstock, Virginia.*

§ 4a. A mayor and six councilmen shall be elected by the qualified voters of the town on the second Tuesday in June, nineteen hundred sixty-two, and on the second Tuesday of June of every fourth year thereafter; all of whom shall hold office for terms of four years, beginning on the first day of September next succeeding their election, and shall continue in office until their successors shall have qualified. Any person qualified to vote in the town shall be eligible to the office of mayor or councilman. But no member of the council or other officer shall be interested directly or indirectly in the profits of any contract or work, or be financially interested directly or indirectly in the sale to the town of any land, materials, supplies or unofficial services.

§ 4b. The council may, without adopting any of the alternative forms of government provided by law, nevertheless employ a person, who may or may not be a resident or qualified voter of such city or town or of this State, to be known as the "Town Manager", who shall, under the control of the council, have general charge and management of the administrative affairs and work of the town and shall perform such other duties as may be required of him. He shall receive such salary as may be allowed him by the council and may be dismissed at any time by the council.

§ 4c. Proposed ordinances shall be introduced in written or printed form, and the enacting clause of all ordinances shall substantially be "Be it Ordained by the Council of the Town of Woodstock", and all ordinances shall be read at two meetings not less than a week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting, provided the requirement of a second reading may be confined to the reading of the title only upon the vote of four members of the council; provided, further, that emergency measures may be passed upon a single reading. The vote of each member of the council on all ordinances shall be recorded in the minutes. All ordinances passed by the council shall take effect thirty days after the date of passage, unless another later effective date shall be designated therein, except that the council may by affirmative vote of a majority of its members pass emergency measures to take effect immediately upon passage.

Every ordinance upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the town clerk. Every ordinance of a general or

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permanent nature shall be published in full once, within ten days after the final passage, in a newspaper or newspapers of general circulation in the municipality; and where legally permissible, such publication shall be made but once; provided that where any such ordinance is amended, the council may direct that only the amendment or the substance of such amendment be published and such publication shall be a sufficient compliance with this section; and provided, further, that the foregoing requirements as to publication shall not apply to ordinances reordained in or by a general compilation, codification or recodification of ordinances printed by authority of the council, nor to any ordinance contained in, or reordained or amended by, a general compilation, codification or recodification of ordinances printed as a code of ordinances, provided that such printed code of ordinances shall not take effect until thirty days after the same shall have been printed in quantity and delivered to and lodged in the office of the town clerk.

A record or entry made by the town clerk or a copy of such record or entry duly certified by him shall be prima facie evidence of the terms of the ordinance or any amendment thereof and its due publication, or its receipt in quantity as a printed code of ordinances.

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the clerk or from the volume or code of ordinances printed by authority of the council.

§ 4d. The present mayor and councilmen, and all other officers of the town of Woodstock shall continue to hold office and to perform the duties of their respective offices for the said town for the terms for which they were elected and until their successors be elected and qualify, and all liabilities, actions, claims, contracts heretofore existing under the former charter and amendatory acts under the corporate name of the town of Woodstock shall remain and continue in force and effect as if this act had not been passed. And all ordinances now in force in the town of Woodstock, not inconsistent with this charter shall be and remain in full force until altered, amended or repealed by the council of said town.

2. If any section, clause, sentence, paragraph, part, or application of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act.

3. An emergency exists and this act is in force from its passage.

CHAPTER 432

An Act to amend and reenact § 53-103 of the Code of Virginia to eliminate therefrom the provision for the payment of allowances for work on the public roads by certain persons convicted of misdemeanors.

[S 148]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 53-103 of the Code of Virginia be amended and reenacted as follows:

§ 53-103. Whenever a male person over eighteen years of age is convicted of any misdemeanor for which a jail sentence might be imposed, either for a fixed period of time, or a sentence to serve in default of payment of fine or in default of surety, the judge or trial justice trying the case may, in his discretion, in lieu of committing him to jail, sentence

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him to a like period on the public roads, and cause him to be delivered into the custody of the Director, to be kept by him as a member of the State convict road force, in accordance with law, and subject to work on the public roads.
*

CHAPTER 433

An Act to require the State Library Board to have prepared and erected on the southwest corner of Crawford and Queen Streets and in the Court House yard at High and Court Streets in the City of Portsmouth, historical markers, respectively, commemorating Crawford House and Norfolk County Court House.

[S 165]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. §1. The State Library Board is hereby directed to have prepared and erected prior to January one, nineteen hundred sixty-one, in commemoration of Crawford House, an historical marker on the southwest corner of Crawford and Queen Streets in the City of Portsmouth, bearing substantially the following inscription:

CRAWFORD HOUSE

Erected 1835 by Dr. J. W. Collins. Portmouth's first five-story building and for many years a leading hotel. Presidents Van Buren, Tyler, and Fillmore were entertained here.

§ 2. The State Library Board is further directed to have prepared and erected prior to such date, in commemoration of Norfolk County Court House, an historical marker in an appropriate location in Court House yard, High and Court Streets in the City of Portsmouth, bearing substantially the following inscription:

NORFOLK COUNTY COURT HOUSE
1845

Begun 1845, first occupied 20 July 1846, the architect, William R. Singleton, a Portsmouth native, also designed the old Norfolk Court House. This building stands on one of the four corners dedicated for public use in 1752 by Lieutenant-Colonel William Crawford, founder of Portsmouth. The site was formerly occupied by the Clerk's Office when an earlier Court House, built in 1803, stood on the northeast corner, opposite.

CHAPTER 434

An Act to amend and reenact §§ 40-96, and 40-97, as amended, 40-100, 40-100.6, 40-101, 40-102, 40-104 as amended, 40-105, 40-106, 40-107, 40-108, 40-109 as amended, 40-110, 40-111, 40-114, 40-116 and 40-118 of the Code of Virginia, all relating to employment of children, and to amend the Code of Virginia by adding a section numbered 40-100.-4:1, to prescribe the conditions for employment of children pursuant to a work-training certificate in certain cases.

[S 167]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That §§ 40-96 and 40-97, as amended, 40-100, 40-100.6, 40-101, 40-102, 40-104 as amended, 40-105, 40-106, 40-107, 40-108, 40-109 as amended, 40-110, 40-111, 40-114, 40-116 and 40-118 of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding a section numbered 40-100.4:1, as follows:

§ 40-96. No child under fourteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except farm work performed outside of school hours with the consent of the child's parent or guardian, and except as specified in this chapter.

No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation during schools hours, unless he has completed high school, or unless he has reached the age of fourteen and a provisional employment certificate has been issued for his employment as provided in § 40-100.5, or unless he has reached the age of fourteen and is enrolled in a regular school work-training program and a work-training certificate has been issued for his employment as provided in § 40-100.4. *

No child under sixteen years of age shall be employed, permitted or suffered to work in any manufacturing or mechanical establishment or commercial cannery at any time, except in purely office work *. Nothing in the preceding sentence shall be construed as applying to community non-commercial packing or canning establishments and nothing in this or the following section shall be construed as qualifying the provisions of §§ 40-109, 40-110 or 40-111.

§ 40-97. Except as provided in §§ 40-108, * 40-111, 40-114 and *40-118*, no child under eighteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation:

(1) More than six days in any one week, except on farms, orchards or in gardens;

(2) More than forty hours in any one week;

(3) More than eight hours in any one day; nor

(4) Before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening, except on farms, in orchards or in gardens*; *provided that boys over fifteen years of age may be employed after the hour of five o'clock in the morning; provided further that boys and girls fourteen and fifteen years of age may be employed after the hour of seven o'clock in the morning and may work as late as ten o'clock in the evening on any day not followed by a school day if the superintendent of schools of the county or city of residence of such child, or if there is none then a person designated by the State Superintendent of Public Instruction, approves the application of any such child; provided finally that when the local superintendent of schools or the person designated by the Superintendent of Public Instruction permits such work he shall set out his reasons in full in writing for so doing and send a copy thereof with a copy of the work permit to the Commissioner of Labor and Industry.*

Boys sixteen and seventeen years of age may be employed until midnight, and girls of such age who are enrolled in school may be employed until ten o'clock in the evening, and girls of such age who are not enrolled in school may be employed until eleven o'clock in the evening.

No child under eighteen years of age shall be employed or permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

For the purposes of this chapter the word "day" shall be construed to

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mean any period of twenty-four consecutive hours. The word "week" shall be construed to mean any seven consecutive days. Provided, however, that nothing in this section shall be construed to prohibit an employee from working shift work after an unbroken rest period of twelve hours.

§ 40-100. No child under eighteen years of age shall be employed, permitted or suffered to work, in, about or in connection with any gainful occupation with the exception of work on farms, orchards and in gardens, and except as provided in §§ 40-108 to 40-111 and 40-114, unless the person, firm or corporation employing such child, procures and keeps on file and accessible to any school attendance officer, inspector of labor or other authorized person, charged with the enforcement of this chapter, the employment certificate as hereinafter provided, issued for such child.

*

§ 40-100.4:1. No child shall be employed pursuant to a work-training certificate as provided in § 40-100.4 where such employment requires such child to operate power-driven woodworking, metal forming, punching or shearing machines or power driven paper product machines unless such employment shall be pursuant to a written agreement which shall provide: (1) that the work of such child shall be incidental to his training, shall be intermittent and for short periods of time and shall be under the direct and close supervision of a competent and experienced person; (2) that safety instruction shall be given by the school and correlated by the employer with on-the-job training; and (3) that a schedule of organized and progressive work processes to be performed shall have been prepared. Such written agreement shall set forth the name of the child so employed and shall be signed by the employer and the coordinator of schools having jurisdiction. Copies of such agreement shall be retained by the school and the employer, and a copy thereof shall be filed with the Department of Labor and Industry.

Any such work-training certificate may be revoked at any time that it shall appear that reasonable precautions for the safety of such child have not been observed.

§ 40-100.6. A part-time employment certificate shall be issued *subject to the provisions of § 40-101* which shall permit the employment of a child between fourteen and sixteen years of age when the division superintendent of schools shall find it in the best interests of the child to follow a program of part-time school attendance and part-time employment. Such employment shall be under the supervision of the division superintendent of schools. *Such certificate may be revoked by such superintendent or the Commissioner.*

§ 40-101. Employment certificates shall be issued only by * the division superintendent of schools, or by any person designated by him in the city * or county in which the child is to be employed and only upon application in person of the child desiring employment, accompanied by the parent, guardian or custodian of such child, provided that in the case of a child sixteen or seventeen years of age, the written consent of the child's parent, guardian or custodian may be presented in lieu of the personal appearance of such parent, guardian or custodian. * The division superintendent of schools shall designate one * person to grant such permits in every city * or county. The person issuing such certificate shall have authority to administer the oath provided for therein, or to make any investigation or examination necessary for the issuance thereof. No fee shall be charged for issuing any such certificate nor for administering any oath or rendering any services in respect thereto. The officer issuing the certificate shall * *retain a copy of each such certificate and all documents connected therewith shall be mailed to the Commissioner of Labor by the end of the week in which the same shall have been issued for review*

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and approval. The Commissioner of Labor shall file and preserve such certificates and documents.

§ 40-102. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers:

(1) Except for work on farms or orchards or in gardens, a statement signed by the prospective employer, or some one duly authorized on his behalf, stating that he expects to give such child present employment, setting forth the specific nature of the occupation in which he intends to employ such child, and the number of hours per day and of days per week which said child shall be employed and the daily time of the beginning and ending of such employment and of the period for lunch, and agreeing to send the notice of the commencement of employment and to return the certificate according to the provisions of this chapter.

(2) Proof of age as provided in § 40-103.

(3) A certificate of physical fitness as provided in § 40-104.*

§ 40-104. The certificate of physical fitness required by this chapter shall be signed by a public health, school, or other physician, and shall be on a form approved by the State Department of Health. It shall show height and weight of the child and shall state that the child has been thoroughly examined by the physician within a period of * *thirty* days and has been found to be of normal development for a child of his age, is in sound health, and is physically qualified for the type of employment specified in the statement submitted by the employer.

§ 40-105. The employment certificate required to be issued shall state the name, sex, color, date of birth and place of residence of the child. It shall certify that all the conditions and requirements for issuing an employment certificate under the provisions of this chapter have been fulfilled and shall be signed by the person issuing it. It shall state the kind of evidence of age accepted for the employment certificate. Except for work on farms or orchards or in gardens, the certificate shall show the name and address of the employer for whom and the nature of the specific occupation in which the employment certificate authorizes the child to be employed and shall be valid only for the occupation so designated. It shall bear a number, shall show the date of its issue *and the date of its expiration,* and shall be signed by the child for whom it is issued in the presence of the person issuing it. It shall be issued in triplicate, one copy to be mailed to the employer, one copy to be sent to the Commissioner of Labor and one copy to be retained and kept on file by the issuing officer.

§ 40-106. Every employer receiving an employment certificate shall notify the * *Commissioner of Labor* within seven days of the time of the commencement of the employment of such child and within seven days after the termination of the employment shall return the certificate to the * *Commissioner of Labor.* Failure so to notify shall be cause for the cancellation of the certificate; and failure so to return it shall be cause for the refusal of further certificates upon the application of such employer.*

§ 40-107. An employment certificate shall be invalid after twelve months from date of * *physical fitness examination* unless there shall have been filed with the issuing officer a new certificate of physical fitness as provided for in § 40-104.

§ 40-108. No male under * *sixteen* years of age and no female under eighteen years of age shall be employed, permitted or suffered to work as a *public* messenger for any telegraph or * *interstate communication company or service* in the distribution, transmission or delivery of goods or messages at any time. No male under * *sixteen* years of age and no girl under * *eighteen* years of age shall be employed, permitted or suffered to work as a *public* messenger for any telegraph or * *interstate communication* com-

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pany or service in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after * *midnight* of any day. In case of emergency only, a boy of legal age may be employed for not more than three days as such a messenger without an employment certificate, provided that the employer immediately files a notice of such employment with the person authorized to issue an employment certificate to such boy.

§ 40-109. *(A)* No child under eighteen years of age shall:

(1) Be employed, permitted or suffered to work in any mine, *quarry,* tunnel, underground scaffolding work or handling explosives;

(2) *Be employed to* operate or assist in operating any dangerous machinery or passenger or freight elevator *provided, however, that children sixteen years of age and older may, in the course of their employment, operate automatic passenger elevators. No child under sixteen shall operate an automatic elevator as his primary employment;*

(3) Oil or assist in oiling, wiping and cleaning any such machinery, *except as provided in § 40-100.4:1; provided further, however, that children sixteen years of age and older who are serving a voluntary apprenticeship as provided in Chapter 6 of this title may operate, oil or assist in operating, oiling, wiping and cleaning such machinery;*

(4) Be employed in any capacity in preparing any composition in which dangerous or poisonous chemicals are used;*

(5) Be employed in any capacity in the manufacturing of paints, colors or white lead, or in any place where goods of alcoholic content are manufactured, bottled, or sold for consumption on the premises except in places where the sale of alcoholic beverages is merely incidental to the main business actually conducted,* *or employed to deliver alcoholic goods;*

(6) Be employed as an X-ray technician or as an operator of X-ray equipment;

(7) Be employed in any capacity in or about excavation or demolition operations;

(B) No boy under sixteen and no girl under eighteen years of age shall:

(1) Be employed in any undertaking establishment or funeral home;

(2) Be employed, permitted or suffered to work in any scaffolding work or construction trades or in any brick, coal or lumber yard or ice plant; provided, however, that this section shall not apply to children fourteen and over who are engaged in purely office work of a clerical nature;

(3) Except as otherwise provided in this chapter, be employed, permitted or suffered to work in any theater, concert hall, cabaret, club, carnival, floor show, pool hall, bowling alley, or place of amusement, or in any hotel, restaurant as defined in § 35-25, roadhouse or in curb service or in any dry cleaning establishment or laundry or parking lot.

(4) Be employed as a driver or helper on a truck or commercial vehicle.

(C) No child under sixteen years of age shall:

(1) Be employed in any hospital, clinic, or other establishment providing care for resident patients as a laboratory helper, orderly or nurses' aide;

(2) Be employed in any dance studio or warehouse, other than a tobacco sales warehouse which is not subject to the child labor provisions of the Federal Fair Labor Standards Act or by any veterinarian;

(3) Be employed as a bait attendant on any boat, pier or place at which boats are let for hire except boys fourteen years of age and older.

(D) No child under eighteen years of age shall: be employed as a driver on any truck or commercial vehicle provided that a boy sixteen years of age or older may be employed as a driver on a truck or commercial

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vehicle, provided said vehicle has no more than two axles. The provisions of this paragraph shall not apply to the drivers of school buses.

The provisions of this section shall not apply to children employed by dry cleaning or laundry establishments where such children are engaged in purely office work, or where they are employed in branch stores where no processing is done, or employed by concessionnaires operating on beaches * where the duties and work of such children pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach equipment; nor shall such provisions apply to girls sixteen years or more of age employed in the lighted lobby of offices, but not as ushers, in a motion picture theatre, but this exception shall not apply to outdoor theatres. *For the purposes of this section the definition of restaurant shall be deemed not to include a food service establishment operated by or in conjunction with a school or college where a child employed therein is enrolled as a pupil at such school or college. Boys fourteen and over may be employed in restaurants, and girls sixteen and over may be employed for a period not exceeding four months in a calendar year in restaurants operated in conjunction with a hotel subject to regulation by the State Board of Health under Title 35 of the Code, which is operated on a seasonal basis, and girls sixteen and over who qualify for general or school work training types of employment certificates for employment in restaurants may be employed in restaurants and in hotel food service departments, but no such minor may be employed in hotel room service.*

§ 40-110. * *Notwithstanding* the preceding section. * a boy under sixteen or a girl under eighteen years of age, whether a resident or nonresident of the State, *may be employed, permitted or suffered to participate* in the presentation of a drama, play, performance, concert or entertainment, provided the management of the theatre or other public place where such performance is to be held in the State shall secure a permit from the Commissioner of Labor; *provided, however, that no such permit shall be required for any non-profit dance or music recital, nor for any television or radio broadcast in which the children participating are selected by the television or radio broadcasting station for sustaining noncommercial programs.*

§ 40-111. No permit shall be issued unless the Commissioner of Labor is satisfied that the environment in which the drama, play, performance, concert or entertainment is to be produced is a proper environment for the child and that the conditions of such employment are not detrimental to the health or morals of such child and that the child's education will not be neglected or hampered by its participation in such drama, play, performance, concert or entertainment. Applications for permits and every permit granted shall specify the name, age and sex of each child, together with such other facts as may be necessary for the proper identification of each child and the dates when, and the theatres or other places of amusement in which such drama, play, performance, concert or entertainment is to be produced and shall specify the name of the drama, play, performance, concert or entertainment in which each child is permitted to participate. *Such application shall be filed with the Commissioner not less than five days before the date of such drama, play, performance, concert or entertainment.* A permit shall be revocable by the Commissioner of Labor should it be found that the environment in which the drama, play, performance, concert or entertainment is being produced is not a proper environment for the child and that the conditions of such employment are detrimental to the health or morals of such child. The Commissioner of Labor shall prescribe and supply the forms required for carrying out the provisions of this section.

§ 40-114. Any boy between twelve and sixteen years of age may

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engage in the occupation of (1) bootblacking, (2) *caddying, (3)* selling newspapers, magazines, periodicals or circulars which are by law permitted to be distributed and sold, *(4)* running errands or delivering parcels, or * *messages where none of the duties of such occupation are to be performed inside any commercial establishment, and provided all such employment shall be* at such hours between six o'clock ante meridian and * *one-half hour after sunset* as the public schools are not in session, provided such boy procures and carries on his person a badge as hereinafter provided.

The provisions of this section shall not apply to any such boy in any case where the duties of his occupation are performed at the direction and under the supervision of an employer, in which event an employment certificate shall be required.

§ 40-116. Such badge as is required by § 40-114 shall be issued by the same person authorized to issue an employment certificate and upon compliance with all the requirements for the issuance of an employment certificate. It shall bear a number and on its reverse side shall bear the address and date of birth of the child in whose name it is issued. It shall be signed on such reverse side by such child in the presence of the person issuing it. No charge shall be made for the use of * *such* badge *.

All badges shall be renewed * *annually on the anniversary date of the physical fitness examination of such child.*

§ 40-118. Any boy between twelve and fourteen years of age may engage in the occupation of distributing newspapers on regularly established routes between the hours specified in § 40-114 and any boy between fourteen and sixteen years of age may engage in such occupation between the hours of six o'clock ante meridian and seven o'clock post meridian, in either case excluding the time the public schools are actually in session. Such carrier boys shall not be required to procure or carry a badge, but in lieu thereof the publisher of the newspaper which he delivers on such route shall report the names, ages, addresses, and the school attended, of such boys to the person authorized to issue employment certificates under the provisions of this chapter, and thereupon, if it appears that such boy is physically fit either from his school health record or from a certificate of physical fitness signed by a public health or school physician *and that satisfactory proof of age has been furnished,* a certificate shall be issued to such carrier boy and shall remain in effect so long as in the opinion of the division superintendent his school record indicates that his school work is compatible with such occupation. *Such carrier boy shall carry such certificate on his person at all times that he is engaged in his duties. No such certificate shall be required of any carrier boy so employed in any city having a population of less than ten thousand or in any county, having a population of less than ninety thousand and which is not adjacent to any city having a population of more than ninety thousand.*

CHAPTER 435

An Act to amend and reenact § 14-50 of the Code of Virginia, relating to the committee of circuit judges to fix salaries and expenses of judges and associate judges of county courts, so as to provide for the payment of compensation to the circuit court judges constituting such committee.

[S 175]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 14-50 of the Code of Virginia be amended and reenacted as follows:

§ 14-50. * *The committee of three circuit judges, heretofore established by Chapter 376 of the Acts of the General Assembly of nineteen hundred and forty-two, and subsequently amended and reenacted, is continued, and the circuit court judges heretofore appointed and constituting the committee are continued as members of the committee, to serve at the pleasure of the Governor. When a vacancy shall occur in the membership of the committee, the Governor shall appoint a circuit judge to fill such vacancy, to serve at the pleasure of the Governor.*

The committee shall meet at such times and places as the committee may from time to time designate for the purpose of fixing the salaries of the * *county judges and associate judges* of the counties of the State, appointed under the provisions of Chapter * *1 of Title 16.1 of this Code*, within the limits and upon the basis prescribed by * law. The committee shall, *except in cases otherwise prescribed by law*, also fix the salaries of the * clerks, deputy clerks and clerical assistants *of the county courts* in which the committee is of opinion that the employment of such clerks, deputy clerks and clerical assistants is necessary. * The members of the committee shall receive * *such* compensation * *as may be appropriated out of the revenues of the State for that purpose*, and, *in addition to such compensation*, shall be reimbursed out of the money appropriated for the payment of the criminal expenses of the State for their actual expenses incurred in the performance of their duties hereunder.

The committee shall meet at such place or places as they may agree upon in December of every year, for the purpose of fixing such salaries for the ensuing year. The committee may call upon any * *county judge and associate judge* for information with respect to the operation of his office and shall, as soon as may be practicable after such meeting, certify to the Comptroller a detailed statement of the amounts of the salaries fixed by them for the several * *county judges and associate judges*, their clerks, deputy clerks and clerical assistants, for the ensuing calendar year.

CHAPTER 436

An Act to amend and reenact § 56-284 of the Code of Virginia, relating to transportation of baggage, mail and parcels in certain passenger carrying vehicles.

[S 181]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 56-284 of the Code of Virginia be amended and reenacted as follows:

§ 56-284. A certificate for the transportation of passengers may include authority to transport in the same vehicle with passengers the baggage of * passengers, newspapers and express parcels * *none of which parcels exceeds one hundred pounds weight*, or United States mail when the transportation thereof is authorized by the Government of the United States of America *.

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CHAPTER 437

An Act to provide that only one bail bond shall be required in certain misdemeanor cases and to limit the security required thereon.

[S 201]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Where more than one misdemeanor charge against the same person results from one set of facts or circumstances, the person who admits such person to bail on all of such charges shall require only one bail bond and shall make all such charges returnable to the same time and place. The penalty of such bond shall be based on the most serious of such charges.

CHAPTER 438

An Act to authorize those principally engaged in making real estate mortgage loans for resale to make certain charges on certain loans.

[S 206]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Any person, firm, association or corporation principally engaged in the business of making real estate mortgage or deed of trust loans for resale may make an initial service, investigation or processing charge not exceeding one per centum of the amount of the loan, on loans payable in installments or otherwise and having a final maturity date of ten years or more from the date thereof. Such a charge shall not be considered in determining whether a contract for a loan or forebearance of money or other things is illegal within the meaning of Chapter 9, Title 6 of the Code.

CHAPTER 439

An Act to amend and reenact §§ 23-35.3 and 23-35.5, as amended, of the Code of Virginia, relating to the authorization of medical and dental scholarships, providing for written contracts therefor and prescribing relief from obligations under such contracts.

[S 210]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-35.3 and 23-35.5, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 23-35.3. (a) Before any scholarship is awarded under the provisions of § 23-35.1 (a), the applicant must sign a written contract, under the terms of which he agrees to pursue the medical course of the school awarding the scholarship, or the medical course at the school at which the scholarship is awarded, until his graduation and, upon graduating and completing a term not to exceed two years as an interne at some hospital or institution approved by the school, shall promptly begin and thereafter engage continuously in the general practice of medicine in a rural com-

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munity in Virginia of his selection, but his selection shall be from one approved by the State Health Commissioner and by the State Board of Health, for a period of years equal in number to the years which he has been a beneficiary of such scholarship, provided that one year's internship in any rural hospital in the State of Virginia selected by the State Health Commissioner and approved by the State Board of Health or in any institution operated by the Department of Mental Hygiene and Hospitals shall be considered equivalent to one year's practice of medicine in a rural community. The foregoing shall apply only to contracts made or entered into prior to July 1, 1954.

(b) Before any scholarship is awarded under the provisions of § 23-35.1 (b), the applicant must sign a written contract, under which he agrees to pursue the dental course of the school awarding the scholarship, or the dental course at the school at which the scholarship is awarded, until his graduation and, upon graduating shall promptly begin and thereafter engage continuously in the general practice of dentistry in some mental institution, *or in the public health service or as an employee of the State Health Department* in the State of Virginia, for a period of years equal in number to the years which he has been a beneficiary of such scholarship; provided that if the Commissioner of Mental Hygiene and Hospitals certifies that no suitable vacancy exists in any State mental institution, then the obligation of such contract may be discharged by compliance with the conditions set forth in paragraph (a) of this section.

(c) Each recipient, when such scholarship is awarded, shall be required to insure his life, for the benefit of the school awarding the scholarship, in a sum equal at least to the value of each scholarship awarded him, the insurance policy to contain a specific provision that the school beneficiary shall not be changed without the consent of the beneficiary. Upon cancellation of each note executed by the recipient as hereinbefore provided, the school beneficiary shall consent to such change in the beneficiary of the corresponding insurance policy as may be designated by the recipient. Upon the failure of the recipient to discharge his obligation either by service or payment, as herein required, or by reason of his death or by any other cause, the policy or policies and any and all proceeds derived therefrom shall become the property of the school beneficiary. All premiums on the insurance policy or policies shall be paid by the recipient of the scholarship.

(d) After July 1, 1954, no scholarship shall be awarded under the provisions of § 23-35.1 (a) unless and until the applicant shall have signed a written contract under the terms of which he agrees to pursue the medical course of the school awarding the scholarship, or the medical course at the school for which the scholarship is awarded, until his graduation and upon graduation and completing a term not to exceed two years as an interne at some hospital or institution approved by the school, shall promptly begin and thereafter engage continuously in the general practice of medicine in a rural community of Virginia for a period of years equal to the number of years which he has been a beneficiary of such scholarship. As used herein the terms "general practice of medicine" and "rural community" shall conform to definitions thereof promulgated by the State Health Commissioner. The State Health Commissioner may, in his discretion, direct that all or any portion of the obligations imposed by such contract be discharged by appointment and service in the public health service of the State or by service in any institution operated by the Department of Mental Hygiene and Hospitals. The provisions of paragraph (c) herein shall not apply to scholarships awarded after July 1, 1954.

§ 23-35.5. Any such contract made and entered into before July one, nineteen hundred and fifty-four shall have a clause under which the holder

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may be relieved of his obligation to practice in a rural section or in a mental institution, as the case may be, if, at the end of two scholastic years, he has demonstrated a peculiar and unusual ability and aptitude in a special branch of the medical sciences and, in the opinion of the faculty, would be a loss to the field of medical research and science if he did not go into that branch of medical science for which he has demonstrated extraordinary ability. In such case, upon certificate of a faculty committee, the contract shall provide that he may be released from his obligation and continue his course without a scholarship, and shall be under no obligation to engage in general practice in a rural section or in a mental institution of Virginia for a period equal to that during which he has received such scholarship; provided that he makes satisfactory arrangements for reimbursing the State for the amount he has received on account of such scholarships. Any such contract made and entered into after July one, nineteen hundred fifty-four shall have a clause under which the holder may be relieved of his obligation to practice medicine in a rural community or a mental institution or to serve in the public health service of the State as the case may be if, at any time the holder fails to maintain a scholastic standard at least equal to the standard required of the general student body in such school or if the holder, at any time, becomes permanently disabled so as not to be able to engage in the practice of medicine or if at any time the holder demonstrates a peculiar and unusual ability and aptitude in a special branch of the medical sciences and, in the opinion of the faculty or the State Health Commissioner would be a loss to the field of medical research and science if he did not go into that branch of medical science for which he has demonstrated extraordinary ability. In such case, upon certificate of a faculty committee or the State Health Commissioner the contract shall provide that the holder shall be relieved of his obligation to engage in the general practice of medicine, or to serve in the public health service of the State or to practice in a mental institution for a period equal to that during which he has been a beneficiary of such scholarship. Any applicant, upon being so relieved from the obligations imposed by such contract shall arrange to reimburse the State within a reasonable time for the amount he has received on account of such scholarship plus interest on such amount computed at the prevailing rate charged on student loans at the school attended by the applicant. *Provided, however, if such applicant, or any applicant who for any reason repays all or any part of the amount received of such scholarships, after reimbursing such amount plus interest to the State, later fulfills the terms of his contract by completing his studies and engaging in general practice in a rural section as provided in § 23-35.3 or in a mental institution of Virginia or service with State Health Department for a period equal to that during which he received such scholarship, such applicant shall have reimbursed to him, from the general fund of the State treasury, the amount of the scholarship and interest previously repaid to the State. This reimbursement shall be made on any contract whether heretofore or hereafter made under the provisions of this section.*

Any contract made under this chapter may be terminated after two years in school after notice, upon repayment of the entire loan with interest at the rate charged on student loans.

CHAPTER 440

An Act to amend and reenact §§ 63-135, 63-136, 63-157, 63-158, 63-199, 63-200 and 63-212 of the Code of Virginia, relating to welfare gen-

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erally and to power of Board of Welfare and Institutions, sometimes called State Board, and of Virginia Commission for Visually Handicapped; to require local boards or departments of public welfare to make certain assistance payments and to make such payments directly, and to action of Comptroller to withhold certain funds from certain local counties and cities on whose account assistance payments have been made by the State Board.

[S 212]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 63-135, 63-136, 63-157, 63-158, 63-199, 63-200 and 63-212 of the Code of Virginia be amended and reenacted as follows:

§ 63-135. If any county or city, through its appropriate authorities or officers, shall fail or refuse to provide for the payment of assistance in such county or city in accordance with the provisions of this chapter, the State Board shall through appropriate proceedings require such authorities and officers to exercise the powers conferred and perform the duties imposed by this chapter. *This section shall not apply when the budget of the local board or department of public welfare has been approved by the Commissioner under § 63-69 and adopted by the local governing body. The foregoing provisions shall be null and void if the application thereof would in any manner interfere with the State-wide operation of a public assistance program or the receipt of grants from the federal government.*

§ 63-136. For so long as such failure or refusal shall continue the State Board shall authorize and direct the Commissioner, under rules and regulations of the State Board, to provide for the payment of assistance in such county or city out of funds appropriated for the purpose of carrying out the provisions of this chapter. In such event the Commissioner shall at the end of each month file with the State Comptroller and with the board of supervisors, council or other governing body of such county or city a statement showing all disbursements and expenditures made for and on behalf of such county or city, and the Comptroller shall from time to time as such funds become available deduct from funds appropriated by the State, in excess of requirements of the Constitution of Virginia, for distribution to such county or city, such amount or amounts as shall be required to reimburse the State for expenditures incurred under the provisions of this section. All such funds so deducted and transferred are hereby appropriated for the purposes set forth in § 63-109 and the first paragraph of § 63-110 and shall be expended and disbursed as provided in § 63-111. *This section shall not apply when the budget of the local board or department of public welfare has been approved by the Commissioner under § 63-69 and adopted by the local governing body. The foregoing provisions shall be null and void if the application thereof would in any manner interfere with the State-wide operation of a public assistance program or the receipt of grants from the federal government.*

§ 63-157. If any county or city, through its appropriate authorities or officers, shall fail or refuse to provide for the payment of aid to dependent children in such county or city in accordance with provisions of this chapter, the State Board shall through appropriate proceedings require such authorities and officers to exercise the powers conferred and perform the duties imposed by this chapter. *This section shall not apply when the budget of the local board or department of public welfare has been approved by the Commissioner under § 63-69 and adopted by the*

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local governing body. The foregoing provisions shall be null and void if the application thereof would in any manner interfere with the State-wide operation of a public assistance program or the receipt of grants from the federal government.

§ 63-158. For so long as such failure or refusal shall continue the State Board shall authorize and direct the Commissioner, under rules and regulations of the State Board, to provide for the payment of aid to dependent children in such county or city out of funds appropriated for the purpose of carrying out the provisions of this chapter. In such event the Commissioner shall at the end of each month file with the State Comptroller and with the board of supervisors, council or other governing body of such county or city a statement showing all disbursements and expenditures made for and on behalf of such county or city, and the Comptroller shall from time to time as such funds become available deduct from funds appropriated by the State, in excess of requirements of the Constitution of Virginia, for distributiton to such county or city, such amount or amounts as shall be required to reimburse the State for expenditures incurred under the provisions of this section. All such funds so deducted and transferred are hereby appropriated for the purposes set forth in § 63-109 and the first paragraph of § 63-110 and shall be expended and disbursed as provided in § 63-111. *This section shall not apply when the budget of the local board or department of public welfare has been approved by the Commissioner under § 63-69 and adopted by the local governing body. The foregoing provisions shall be null and void if the application thereof would in any manner interfere with the State-wide operation of a public assistance program or the receipt of grants from the federal government.*

§ 63-199. If any county or city, through its appropriate authorities or officers, shall fail or refuse to provide for the payment of aid to the blind in such county or city in accordance with the provisions of this law, the Commission shall through appropriate proceedings require such authorities and officers to exercise the powers conferred and perform the duties imposed by this law. *This section shall not apply when the budget of the local board or department of public welfare has been approved by the Commission under § 63-69 and adopted by the local governing body. The foregoing provisions shall be null and void if the application thereof would in any manner interfere with the State-wide operation of a public assistance program or the receipt of grants from the federal government.*

§ 63-200. For so long as such failure or refusal shall continue the Commission shall authorize and direct the secretary, under rules and regulations of the Commission, to provide for the payment of aid to the blind in such county or city out of funds appropriated for the purpose of carrying out the provisions of this chapter. In such event the secretary shall at the end of each month file with the State Comptroller and with the board of supervisors, council or other governing body of such county or city a statement showing all disbursements and expenditures made for and on behalf of such county or city, and the Comptroller shall from time to time as such funds become available deduct from funds appropriated by the State, in excess of requirements of the Constitution of Virginia, for distribution to such county or city, such amount or amounts as shall be required to reimburse the State for expenditures incurred under the provisions of this section. All such funds so deducted and transferred are hereby appropriated for the purpose set forth in subsection (a) of § 63-108 and shall be expended and disbursed as provided in § 63-108. *This section shall not apply when the budget of the local board or department of public welfare has been approved by the Commission under § 63-69 and adopted by the local governing body. The*

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foregoing provisions shall be null and void if the application thereof would in any manner interfere with the State-wide operation of a public assistance program or the receipt of grants from the federal government.

§ 63-212. The State Board may, by rule or regulation, authorize the local superintendent to provide immediate and temporary relief to persons pending action of the local boards. *Such superintendent shall have no power, under such authority, to exceed the funds available to his department or local board when the budget therefor has been approved by the Commissioner under § 63-69.*

CHAPTER 441

An Act to amend the Code of Virginia by adding a section numbered 54-44.2, providing what shall be deemed reasonable care on the part of an attorney at law in certain instances.

[S 222]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 54-44.2 as follows:

§ 54-44.2. Any attorney at law who in the examination of records in the office of the clerk of any court in this State relies upon the correctness of any index found in such office, whether it be the original index prepared by the clerk or by persons other than the clerk, shall be deemed to have used reasonable care in the selection of the index.

CHAPTER 442

An Act to amend and reenact §§ 58-128, 58-129, 58-131, 58-131.1, 58-134, 58-148, 58-151 and 58-418 of the Code of Virginia, relating to income taxes; and to amend the Code of Virginia by adding sections numbered 58-131.2 through 58-131.18, providing for the allocation and apportionment of net income from corporate business activity taxable both within and without this State; and to repeal § 58-18 of the Code of Virginia, relating to taxation of corporations doing no business in Virginia.

[S 223]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-128, 58-129, 58-131, 58-131.1, 58-134, 58-148, 58-151 and 58-418 of the Code of Virginia be amended and reenacted, and that the Code of Virginia be amended by adding sections numbered 58-131.2 through 58-131.18, as follows:

§ 58-128. What corporations liable for tax; levy.—Every domestic corporation organized under the laws of this State, and every foreign corporation * *having income from sources* in this State (except public service corporations which are subject to a State franchise tax or license tax upon gross receipts, insurance companies which pay a State license tax on gross premiums and reciprocal or interinsurance exchanges which pay a premium tax to the State as provided by law, and State and national

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banks, banking associations and trust companies, building and loan associations or companies which do business on a purely mutual plan and make loans only to their stockholders or members, credit unions organized and conducted as such under the laws of this State, *or under the laws of the United States,* and religious, educational, benevolent and other corporations not organized or conducted for pecuniary profit) shall pay for each taxable year a tax to be computed by the Department of Taxation upon the entire net income, as herein defined, of such corporation, derived from business done, property located, or *other* sources in this State; and such tax is hereby annually levied for each taxable year.

This section, as hereby amended, shall apply with respect to taxable years beginning after December 31, 1959.

§ 58-129. Effect of dissolution or withdrawal, etc., of corporation or partnership on income taxes.—If any corporation or partnership shall dissolve or withdraw from the State, * or if any corporation shall in any manner surrender or lose its charter, * such dissolution, withdrawal or loss or surrender of charter shall not defeat the filing of returns and the assessment and collection of income tax for such period * *or periods* as such corporation or partnership may have had * income *from sources* in this State.

This section, as hereby amended, shall apply with respect to taxable year beginning after December 31, 1959.

§ 58-131. Corporations transacting *or conducting* entire business within the State.—If the entire business of the corporation be transacted *or conducted* within the State, the tax imposed by this chapter shall be upon the entire net income of such corporation for each taxable year. * *The entire business of the corporation shall be deemed to have been transacted or conducted within this State if such corporation is not subject to a net income tax or a franchise tax measured by net income in any other State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country, or would not be subject to a net income tax in any other such taxing jurisdiction if such other taxing jurisdiction adopted the net income tax law of this State.*

This section, as hereby amended, shall apply with respect to taxable years beginning after December 31, 1961.

*§ 58-131.1. * Meaning of "compensation", "sales" and "State", as used in §§ 58-131.1 through 58-131.17.—As used in §§ 58-131.1 through 58-131.17, unless the context otherwise requires:*

(a) "Compensation" means wages, salaries, commissions and any other form of remuneration paid or accrued to employees for personal services, other than compensation to general executive officers having company-wide authority.

(b) "Sales" means all gross receipts of the corporation not allocated under §§ 58-131.4 through 58-131.7.

(c) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country.

§ 58-131.2. Allocation and apportionment of income applicable when.—Any corporation having income from business activity which is taxable both within and without this State, shall allocate and apportion its net income as provided in §§ 58-131.1 through 58-131.17.

§ 58-131.3. Corporation taxable in another State if, etc.—For purposes of allocation and apportionment of income under §§ 58-131.1 through 58-131.17, a corporation is taxable in another State if (1) in that State it is subject to a net income tax or a franchise tax measured by net income, or (2) would be subject to a net income tax in any other such

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taxing jurisdiction if such other taxing jurisdiction adopted the net income tax law of this State.

§ 58-131.4. What items allocated as provided in §§ 58-131.5 through 58-131.7.—Rents and royalties from real or tangible personal property, capital gains or losses from the sale or other disposition of real estate or tangible and intangible personal property, interest and dividends shall be allocated as provided in §§ 58-131.5 through 58-131.7.

§ 58-131.5 Net rents and royalties.—(a) Net rents and royalties from real property located in this State are allocable to this State.

(b) Net rents and royalties from tangible personal property are allocable to this State: (1) if and to the extent that the property is utilized in this State, or (2) in their entirety if the principal place from which the trade or business of the corporation is directed or managed is in this State and the corporation is not organized under the laws of or taxable in the State in which the property is utilized.

(c) The extent of utilization of tangible personal property in a State is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the State during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the corporation tangible personal property is utilized in the State in which the property was located at the time the rental or royalty payer obtained possession.

§ 58-131.6. Capital gains and losses.—(a) Capital gains and losses from sales or other disposition of real property located in this State are allocable to this State.

(b) Capital gains and losses from sales or other disposition of tangible personal property are allocable to this State if (1) the property had a situs in this State at the time of the sale or other disposition, or (2) the principal place from which the trade or business of the corporation is directed or managed is in this State and the corporation is not taxable in the State in which the property had a situs.

(c) Capital gains and losses from sales or other disposition of intangible personal property are allocable to this State if the principal place from which the trade or business of the corporation is directed or managed is in this State; provided, however, that capital gains and losses from sales or other disposition of stock or other securities of a subsidiary corporation of the selling or disposing corporation shall not be allocable under this section but shall be apportionable under § 58-131.8.

§ 58-131.7. Interest and dividends.—Interest and dividends are allocable to this State if the principal place from which the trade or business of the corporation is directed or managed is in this State; provided, however, that interest and dividends derived from investments in a subsidiary corporation of the recipient corporation shall not be allocable under this section but shall be apportionable under § 58-131.8. For the purposes of this section and § 58-131.6, a corporation shall be considered to be a subsidiary of another corporation if the latter owns more than 50% of the voting stock of such corporation.

§ 58-131.8. What income apportioned and how.—All income of the corporation except the classes of income allocable under §§ 58-131.4 through 58-131.7 shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three, reduced by the number of factors, if any, having no denominator.

§ 58-131.9. Property factor.—The property factor is a fraction, the

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numerator of which is the average value of the real and tangible personal property owned by or rented to the corporation in this State during the tax period and the denominator of which is the average value of all the real and tangible personal property owned by or rented to the corporation during the tax period; provided, however, that there shall be excluded from such numerator and denominator the average value of real and tangible personal property owned by the corporation to the extent that rents and royalties therefrom have been allocated under § 58-131.5.

§ 58-131.10. Valuation of property owned or rented.—Property owned by the corporation is valued at its original cost plus the cost of additions and improvements. Property rented by the corporation is valued at eight times the net annual rental rate. Net annual rate is the annual rental rate paid by the corporation less any annual rental rate received by the corporation from sub-rentals.

§ 58-131.11. Average value of property determined how.—The average value of property shall be determined by averaging the value at the beginning and ending of the tax period, but the Department of Taxation may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the corporation's property.

§ 58-131.12. Payroll factor.—The payroll factor is a fraction, the numerator of which is the total amount paid or accrued in this State during the tax period by the corporation for compensation, and the denominator of which is the total compensation paid or accrued everywhere during the tax period. Compensation to general executive officers having company-wide authority, however, shall be excluded from the numerator and the denominator, and all compensation in connection with income allocated under §§ 58-131.4 through 58-131.7 shall be excluded from the numerator and the denominator.

§ 58-131.13. Compensation is in this State, if, etc.—Compensation is paid or accrued in this State if: (a) the employee's service is performed entirely within the State; or (b) the employee's service is performed both within and without the State, but the service performed without the State is incidental to the employee's service within the State; or (c) some of the service is performed in the State and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the State, or (2) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the employee's residence is in this State.

§ 58-131.14. Sales factor.—The sales factor is a fraction, the numerator of which is the total sales of the corporation in this State during the tax period, and the denominator of which is the total sales of the corporation everywhere during the tax period.

§ 58-131.15. Sales of tangible personal property are in this State, if, etc.—Sales of tangible personal property are in this State if: (a) the property is delivered or shipped to a purchaser or for his account within this State regardless of the f. o. b. point or other conditions of the sale; or (b) the property is shipped from an office, store, warehouse, factory, or other place in this State and the corporation is not taxable with respect thereto in the State of the purchaser by reason of the fact that such sale is not attributable or assignable to the State of the purchaser under the apportionment formula of such State, or would not be so attributable or assignable if such State had adopted the net income tax law of this State.

§ 58-131.16. Sales, other than sales of tangible personal property, are in this State, if, etc.—Sales, other than sales of tangible personal

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property, are in this State if: (a) the income-producing activity is performed in this State; or (b) the income-producing activity is performed both in and outside this State and a greater proportion of the income-producing activity is performed in this State than in any other State, based on costs of performance.

§ 58-131.17. Motor carriers; apportionment of net apportionable income.—Motor carriers of property or passengers shall apportion their net apportionable income to this State by the use of the ratio of vehicle miles in this State to total vehicle miles of the corporation everywhere. For the purposes of this section the words "vehicle miles" in the case of motor carriers of property shall mean miles traveled by vehicles (whether owned or operated by the corporation) hauling property for a charge or traveling on a scheduled route; and in the case of motor carriers of passengers the same shall mean miles traveled by vehicles (whether owned or operated by the corporation) carrying passengers for a fare or traveling on a scheduled route.

§ 58-131.18. Taxable years to which §§ 58-131.1 through 58-131.17 applicable.—The foregoing §§ 58-131.1 through 58-131.17 shall apply with respect to taxable years beginning after December 31, 1961.

§ 58-134. Reports by corporations and partnerships.—Every corporation and partnership organized under the laws of this State, or * *having income from sources in this State,* shall on or before April fifteenth of each year make a report to the Department of Taxation; provided, that corporations and partnerships, whose accounting period is a fiscal year, as herein defined, shall make a return on or before the fifteenth day of the fourth month following the close of such fiscal year. Such reports shall be made on forms prescribed by the Department of Taxation and shall contain such information as may be necessary for the proper enforcement of this chapter.

Receivers, trustees in dissolution, trustees in bankruptcy, and assignees, operating the property or business of corporations must make returns of income for such corporations. If a receiver has full custody of and control over the business or property of a corporation, he shall be deemed to be operating such business or property, whether he is engaged in carrying on the business for which the corporation was organized or only in marshaling, selling, or disposing of its assets for purposes of liquidation.

This section, as hereby amended, shall apply with respect to taxable years beginning after December 31, 1959.

§ 58-148. Revision of assessments against corporations.—If any application for revision be filed with the Department of Taxation by a corporation against which taxes have been assessed under this chapter within *three* years from December thirty-first of the year in which such taxes shall have been assessed and if it shall be made to appear to the Department by evidence submitted to it or otherwise that any such amount included taxes or other charges which could not have been lawfully demanded or that payment has been illegally made or exacted of any such amount or if it appears that the tax as originally assessed was less than should have been exacted, the Department shall resettle the same according to law and the facts by increasing or diminishing the taxes and other charges and adjust the accounts accordingly and may, in its discretion, release or modify the penalty imposed for failure to report as provided in this chapter, if any penalty was imposed, and shall send notice of its determination thereon to the corporation forthwith. If it appears from such reassessment that such corporation shall have paid an excess of tax under this chapter for the year for which such reassessment is made, the Department shall credit such corporation with such amount, which shall be

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refunded out of the State treasury on the order of the State Tax Commissioner upon the Comptroller.

§ 58-151. Time of payment of corporation income taxes; penalties for nonpayment.—The tax hereby imposed on corporations shall be paid to the State Treasurer within thirty days after notice of the tax has been given as provided in this chapter; but no tax *on a calendar year return* shall be deemed to be due hereunder before June first of each year. If such tax be not so paid or, in the case of additional taxes, if not paid within thirty days after notice of such additional tax has been given as provided herein, the corporation liable to such tax shall pay, in addition to the amount of such tax, or additional tax, five per centum of such amount plus one per centum for each month the tax or additional tax remains unpaid. But the Department of Taxation, upon submission to it of satisfactory proof that the failure to pay such taxes, or additional taxes, within the time prescribed in this chapter, was not wilful or evasive, may modify the exaction to not less than one per centum for each month following the due date of the tax.

§ 58-418. On all capital as defined by * §§ *58-410 through 58-417,* there is hereby annually levied a tax of * *sixty-five* cents on every one hundred dollars of the actual value thereof.

This section, as hereby amended, shall apply to the tax year beginning January first, nineteen hundred sixty-three, and to every tax year thereafter until otherwise provided by law.

2. That § 58-18 of the Code of Virginia is repealed.

CHAPTER 443

An Act to provide for keeping intact certain unused track of railroad companies; to provide for the acquisition thereof by the governing bodies of counties, cities and towns, or chambers of commerce or similar organizations; and to provide for the assessment of any such unused track.

[S 227]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. If a railroad company shall cease to operate all or any portion of its line of railroad (other than yard tracks, passing sidings, or tracks unneeded because of the diversion of traffic over parallel or other substitute tracks), it shall notify the governing body of any city, town or county directly served by the portion of line so discontinued at least 30 days prior to the removal of the track from the roadbed. Upon giving such notice the railroad company may by agreement with such local governing body, or with a chamber of commerce or other nonprofit organization, leave such track in place or sell the same to such local governing body, chamber of commerce or other nonprofit organization, to be held in place pending reestablishment of rail service thereon and during the period of time when such track shall so remain in place and unused, the State Corporation Commission shall treat the roadbed on which the same is located as unimproved property and assess it accordingly.

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CHAPTER 444

An Act to amend and reenact § 65-85, as amended, of the Code of Virginia, relating to the duty of employers to furnish medical attention under the Workmen's Compensation Act.

[S 229]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 65-85, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 65-85. For a period not exceeding sixty days after an accident the employer shall furnish or cause to be furnished, free of charge to the injured employee, such necessary medical attention, *and where such accident results in the amputation of an arm, hand, leg or foot or the enucleation of an eye or the loss of any natural teeth, the employer shall furnish the initial prosthetic appliance and shall furnish proper fitting thereof, the total cost not to exceed one thousand dollars,* as the nature of the accident may require, and the employee shall accept, and during the whole or any part of the remainder of his disability resulting from the injury, the employer may, at his own option, continue to furnish or cause to be furnished, free of charge to the employee, and the employee shall accept, an attending physician, unless otherwise ordered by the Industrial Commission, and in addition, such surgical and hospital service and supplies as may be deemed necessary by the attending physician or the Industrial Commission. When, in the judgment of the majority of the Industrial Commission, the facts require a reasonable extension of such medical attention beyond such period of sixty days, such majority of the Commission may, in its discretion, require the employer to furnish free of charge to the injured employee such medical attention for a reasonable time after the termination of the sixty-day period, but not in excess of one year including such period of sixty days.

The refusal of the employee to accept such service when provided by the employer shall bar the employee from further compensation until such refusal ceases and no compensation shall at any time be paid for the period of suspension unless, in the opinion of the Industrial Commission, the circumstances justified the refusal. In any such case the Industrial Commission may order a change in the medical or hospital service.

If in an emergency on account of the employer's failure to provide the medical care during the period herein specified, or for other good reasons, a physician other than provided by the employer is called to treat the injured employee, during said period, the reasonable cost of such service shall be paid by the employer if ordered so to do by the Industrial Commission.

CHAPTER 445

An Act to amend the Code of Virginia by adding a section numbered 9-16.2, to prohibit interference with or restraint of the conduct of professional boxing or wrestling matches or exhibitions.

[S 234]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section thereto numbered 9-16.2, to read as follows:

§ 9-16.2. No person or persons, club, organization or corporation shall, except in accordance with law, interfere with or restrain, or attempt to interfere with or restrain, by any act, threat or otherwise, either within or without this State, the putting on or the conduct of any professional boxing or wrestling matches or exhibition in this State.

CHAPTER 446

An Act to amend the Code of Virginia by adding a new section numbered 9-44.1, to provide for injunctive relief for violation of any provision of this chapter.

[S 235]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section thereto numbered 9-44.1, to read as follows:

§ 9-44.1. In the event of violation of any provision of this chapter, in addition to any other remedy, the Commission may apply to any court of record in the city of Richmond for relief without being compelled to allege or prove that any adequate remedy at law does not exist.

CHAPTER 447

An Act to amend the Code of Virginia by adding a section numbered 9-44.2, to provide for the institution of certain proceedings by the Commission.

[S 237]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section thereto numbered 9-44.2, to read as follows:

§ 9-44.2. The Commission shall have the power to institute such criminal or civil proceedings, or both, if it finds that provisions of this chapter have been violated.

CHAPTER 448

An Act to encourage the education of the children of the Commonwealth by providing State scholarships and authorizing the governing bodies of counties, cities and towns to provide local scholarships for the education of such children in nonsectarian private schools located in or outside, and in public schools located outside, the locality in which they reside; to provide for the manner in which such scholarships shall be made available; to make unlawful the improper obtaining or expending of funds provided for such scholarships; to provide for

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the manner in which local scholarships shall be available under certain circumstances, and the minimum amount of such scholarships; and to repeal Chapter 53, Acts of Assembly, Extra Session, 1959, and Chapter 7.2 of Title 22 of the Code, consisting of §§ 22-115.22 through 22-115.28, relating to grants for education of children in private schools.

[S 238]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The General Assembly, mindful of the need for a literate and informed citizenry, and being desirous of advancing the cause of education generally, hereby declares that it is the policy of this Commonwealth to encourage the education of all of the children of Virginia. In furtherance of this objective, and to afford each individual freedom in choosing public or private schooling, the General Assembly finds that it is desirable and in the public interest that scholarships should be provided from the public funds of the State for the education of the children in nonsectarian private schools in or outside, and in public schools located outside, the locality where the children reside; and that counties, cities and towns, if the town be a separate school district approved for operation, should be authorized to levy taxes and appropriate public funds to provide for such scholarships.

§ 2. Every child in this Commonwealth between the ages of six and twenty who has not finished or graduated from high school, and who desires to attend a nonsectarian private school located in or outside, or a public school located outside, the locality in which such child resides, shall be eligible and entitled to receive a State scholarship in the amount of one hundred and twenty-five dollars per school year, if attending an elementary school and one hundred fifty dollars if attending a high school.

§ 3. The governing body of each county, city or town, if the town be a separate school district approved for operation, is authorized to appropriate funds to provide local scholarships in such amount as they may deem proper, not less than the amount specified in this Act, for the education of children residing therein, in nonsectarian private schools located in or outside, and in public schools located outside, such county, city or town.

§ 4. Every child between the ages of six and twenty, residing in any county, city, or town which provides for the payment of local scholarships under the provisions of this Act, who has not finished or graduated from high school, and who desires to attend a nonsectarian private school located in or outside, or a public school located outside, such county, city, or town, shall be eligible and entitled to receive such local scholarship. The amount of the scholarship, if provided, shall be at least that amount which, with the addition of the State scholarship of one hundred and twenty-five dollars or one hundred and fifty dollars as provided by section two of this Act, would equal two hundred and fifty dollars, if the child attends an elementary school or two hundred seventy-five dollars if the child attends a high school, or the amount equal to the actual cost of tuition at the school attended by such child, or the total cost of operation, excluding debt service and capital outlay, per pupil in average daily attendance in the public schools of the county, city, or town providing such scholarships, as determined by the Superintendent of Public Instruction for the school year in which public schools were last operated in such locality, whichever of such three sums is the lowest.

§ 5. The State Board of Education is hereby authorized and directed to promulgate rules and regulations for the payment of such scholarships, and the administration of this Act generally. Such rules and regulations may prescribe the minimum academic standards that shall be met by any

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nonsectarian private school attended by a child to entitle such child to a scholarship, but shall not deal in any way with the requirements of such school concerning the eligibility of pupils who may be admitted thereto. The State Board of Education may also provide for the payment of such scholarships in installments, and for their proration in the case of children attending school less than a full school year.

§ 6. If the governing body of a county, city, or town authorized by section three of this Act to provide local scholarships fails to provide such scholarships for those entitled thereto, the State Board of Education shall authorize and direct the Superintendent of Public Instruction, under rules and regulations of the State Board of Education, to provide for the payment of such scholarships on behalf of such county, city, or town to the extent hereinafter mentioned. In such event the Superintendent of Public Instruction shall, at the end of each month, file with the State Comptroller and with the governing body and school board of such county, city, or town a statement showing all disbursements so made on behalf of such county, city, or town, and the Comptroller shall, from time to time, as such funds become available, deduct from other State funds appropriated for distribution to such county, city or town the amount required to reimburse the State for expenditures incurred under the provisions of this section, provided that in no event shall any funds to which such county, city, or town may be entitled under the provisions of Title 63 of the Code or for the operation of public schools be withheld under the provisions of this section.

§ 7. It shall be unlawful for any person to obtain, seek to obtain, expend, or seek to expend, any scholarship funds for any purpose other than in payment of or reimbursement for the tuition costs for the attendance of his child or ward at a nonsectarian private school in or outside the county, city, or town making such scholarship grant, or a public school located outside such county, city, or town. A violation of this section shall, except for offenses punishable under § 18-237 of the Code, constitute a misdemeanor and be punished as provided by law.

§ 8. If any part or parts, section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part or parts, section, subsection, sentence, clause, phrase or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part or parts, section, subsection, sentence, clause or phrase had not been included herein, or if such application had not been made.

2. That Chapter 53, Acts of Assembly, Extra Session 1959, and Chapter 7.2 of Title 22 of the Code of Virginia, consisting of §§ 22-115.22 through 22-115.28, are hereby repealed.

CHAPTER 449

An Act to amend and reenact § 53-293 of the Code of Virginia, to prescribe penalties for offenses committed by convicts.

[S 242]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 53-293 of the Code of Virginia be amended and reenacted as follows:

§ 53-293. A convict guilty of such killing as is mentioned in § 53-291,

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or of any act therein mentioned, from which death ensues to such officer or guard, shall be punished with death. For any other offense mentioned in either of the two preceding sections, a convict * shall be confined in the penitentiary not less than one nor more than five years after the end of the term for which he shall then be subject to confinement. *

CHAPTER 450

An Act to amend and reenact § 53-109.1, as amended, of the Code of Virginia, relating to State convict road force and use of certain highway funds in connection therewith.

[S 244]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 53-109.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 53-109.1. The State Highway Commission shall pay to the Director monthly for the hours convicts are employed on the State Highway primary system and secondary system and work incidental thereto, including relocation and moving of convict road camps, for each hour such convict is so employed not more than the local hourly rate for similar type of labor in the area in which such convicts are employed and not less than seventy-five per cent of such local hourly rate for similar type of labor in the area where such convicts are employed as evidenced by the payrolls of the Department of Highways in such area. Such monthly payment by the Commission to the Director shall be made not later than the fifteenth day of the succeeding month after the work or labor has been performed for the Commission, provided, however, that the State Highway Commission shall allocate the sum of three hundred thousand dollars annually to the Director for the State convict road force to be used as an advance against said monthly payments.

CHAPTER 451

An Act to revise, rearrange, amend and recodify the laws of Virginia relating to vital statistics; to that end to repeal chapter 18 of Title 32 of the Code of Virginia, which chapter includes Articles 1 to 4 and §§ 32-322 through 32-353.3, as severally amended, which chapter relates generally to vital statistics; and to amend the Code of Virginia by adding in Title 32 thereof a chapter numbered 18.1, containing sections numbered 32-353.4 to 32-353.31, inclusive, relating generally to vital statistics.

[S 249]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That chapter 18 of Title 32 of the Code of Virginia which chapter includes Articles 1 to 4 and §§ 32-322 through 32-353.3, inclusive, as severally amended, be repealed.

2. That the Code of Virginia be amended by adding in Title 32 thereof a chapter numbered 18.1, containing sections numbered 32-353.4 to 32-353.31, inclusive, as follows:

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CHAPTER 18.1

§ 32-353.4. As used in this chapter:

(a) "Vital statistics" means records of birth, death, fetal death, marriage, divorce, and public health and medical data related thereto.

(b) "System of vital statistics" includes the registration, collection, preservation, amendment, and certification of vital statistics and public health records, and activities related thereto including the tabulation, analysis, and publication of statistical data derived from such records.

(c) "Filing" means the presentation of a certificate, report, or other record provided for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by the Bureau of Vital Statistics.

(d) "Registration" means the acceptance by the Bureau of Vital Statistics and the incorporation in its official records of certificates, reports, or other records provided for in this chapter, of births, deaths, fetal deaths, adoptions, marriages, or divorces.

(e) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(f) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(g) "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(h) "Final disposition" means the burial, interment, cremation, or other disposition of a dead body or fetus.

(i) "Physician" means a person authorized or licensed to practice medicine and osteopathy pursuant to definitions outlined in § 54-273.

(j) "Institution" means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to two or more unrelated individuals, or to which persons are committed by law.

§ 32-353.5. The Bureau of Vital Statistics established in the State Department of Health shall:

(a) Install, maintain, and operate the system of vital statistics throughout this State.

(b) Provide central public health analysis and tabulating services for the State, county, and city departments of health.

§ 32-353.6. (a) The State Board of Health is authorized in conformity with provisions of Title 9, Chapter 1.1, to adopt, amend, and repeal rules and regulations for the purpose of carrying out the provisions of this chapter. Such rules and regulations shall take effect thirty days after publication.

(b) The Board shall provide suitable quarters for the Bureau of Vital Statistics which shall be properly equipped and including fireproof vaults for the safe preservation of records made and returned under this chapter.

§ 32-353.7. The State Health Commissioner shall appoint the State Registrar of Vital Statistics in accordance with Chapter 9 of Title 2 of this Code who shall carry out the provisions of this chapter. The salary of the State Registrar shall be such as may be provided in accordance with law.

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§ 32-358.8. (a) The State Registrar of Vital Statistics shall:

(1) Administer and enforce this chapter and the rules and regulations issued hereunder, and issue instructions for the uniform and efficient administration of the Statewide system of vital statistics.

(2) Direct and supervise the Statewide system of vital statistics and the Bureau of Vital Statistics and be custodian of its records.

(3) Direct, supervise and control the activities of county, city and local registrars and the activities of local health departments related to the operation of the vital statistics system.

(4) Prescribe and distribute such forms as are required by this chapter and the rules and regulations issued hereunder.

(5) Prepare and publish reports of vital statistics of this State, and such other reports as may be required by the State Department of Health.

(6) Arrange, bind, and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all births, deaths, marriages, and divorces registered.

(7) Perform such other duties as may be required by law.

(b) The State Registrar of Vital Statistics may delegate such functions and duties vested in him to officers and employees of the Bureau of Vital Statistics and to county, city and local registrars as he deems necessary or expedient.

§ 32-353.9. The State Registrar of Vital Statistics shall from time to time establish registration districts throughout the State. He may consolidate or subdivide such districts to facilitate registration.

§ 32-353.10. (a) County and city health directors shall be county and city registrars of vital statistics for their jurisdiction. Each county or city registrar shall appoint one or more deputies who shall be employees of the county or city health department. Each county or city registrar shall recommend the appointment of a local registrar and deputy local registrar when necessary to facilitate registration in his county or city.

(b) In the absence of a duly appointed county or city health director and when there may be no acting county or city health director, the State Registrar shall appoint a county or city registrar to serve pending the appointment of a health director.

(c) The State Registrar may remove a local registrar for reasonable cause.

§ 32-353.11. (a) The county, city or local registrar with respect to his registration district shall:

(1) Administer and enforce the provisions of this chapter and instructions, rules, and regulations issued hereunder.

(2) Require that certificates be completed and filed in accordance with provisions of this chapter and the rules and regulations issued hereunder.

(3) Transmit twice monthly the certificates, reports, or other returns filed with him to the State Registrar of Vital Statistics or more frequently when directed to do so by the State Registrar.

(4) Maintain such local records, make such reports, and perform such other duties as may be required by the State Registrar.

(b) Deputies shall perform the duties of the registrar in the absence or incapacity of such registrar and shall perform such other duties as may be prescribed.

§ 32-353.12. (a) Each local registrar shall be paid in the manner provided in § 32-353.13, the sum of fifty cents for each certificate of birth, death, or fetal death registered by him and transmitted to the county or city registrar of vital statistics in accordance with the rules and regulations issued hereunder.

(b) If no birth, death, or fetal death is registered by him during any calendar month, the local registrar shall report that fact to the county or

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city registrar of vital statistics and shall be paid, in the manner provided in § 32-353.13, the sum of fifty cents for each month.

(c) No compensation shall be paid under this section to any full-time employee of a county or city health department.

§ 32-353.13. The State Registrar of Vital Statistics shall certify to the treasurer of the county or city quarterly the number of birth, death, and fetal death certificates registered by each local registrar, with the names of the local registrars and the amount due. Upon such certification, the fees due the local registrars shall be paid by the treasurer of the county or city out of the general fund of the county or city.

§ 32-353.14. (a) The State Department of Health, in order to promote and maintain uniformity in the system of vital statistics, shall prescribe all forms of certificates, reports, and other returns required by this chapter, or by regulations adopted hereunder.

(b) Each such certificate, report, and form shall have entered upon its face the date of registration duly attested by the registrar.

§ 32-353.15. (a) A certificate of birth for each live birth which occurs in this State shall be filed with the registrar of the district in which the birth occurs within seven days after such birth and shall be registered by such registrar if it has been completed and filed in accordance with this section; provided, that when a birth occurs on a moving conveyance a birth certificate shall be filed in the district in which the child was first removed from the conveyance.

(b) When a birth occurs in an institution, the person in charge of such institution or his designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five days after the birth.

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician in attendance at or immediately after the birth, or in the absence of such physician,

(2) Any other person in attendance at or immediately after the birth, or in the absence of such a person,

(3) The father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(d) (1) If the mother of a child is not married to the natural father of the child at the time of birth, or during the ten months next preceding such birth, the name of the father shall not be entered on the certificate of birth without the written consent of both the mother and of the person to be named as the father unless a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

(2) In the case of a child born out of wedlock, the certificate shall be filed directly with the county or city registrar of vital statistics and not with a local registrar.

(e) Either of the parents of the child shall sign the certificate of live birth to attest to the accuracy of the personal data entered thereon, in time to permit the filing within the seven days prescribed above.

§ 32-353.16. (a) Whoever assumes the custody of a living infant of unknown parentage shall report on a form and in the manner prescribed by the State Registrar of Vital Statistics within seven days to the county or city registrar of the county or city in which such child was found, the following information:

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(1) The date and place of finding;

(2) Sex, color or race, and approximate age of such child;

(3) Name and address of the persons or institution with whom such child has been placed for care;

(4) Name given to such child by the custodian; and

(5) Other data required by the State Registrar of Vital Statistics.

(b) The place where such child was found shall be entered as the place of birth and the date of birth shall be determined by approximation.

(c) A report registered under this section shall constitute the certificate of birth for such infant.

(d) If such child is identified and a certificate of birth is found or obtained, any report registered under this section shall be sealed and filed and may be opened only by order of a court of competent jurisdiction or as provided by regulation.

§ 32-353.17. (a) When the birth of a person born in this State has not been registered, a certificate may be filed in accordance with regulations of the State Board of Health. Such certificate shall be registered subject to such evidentiary requirements as the State Board of Health shall by regulation prescribe to substantiate the alleged facts of birth.

(b) Certificates of birth registered one year or more after the date of occurrence shall be marked "Delayed" and show on their face the date of the delayed registration.

(c) A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

(d) (1) When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the State Registrar of Vital Statistics finds reason to question the validity or adequacy of the certificate or the documentary evidence, the State Registrar of Vital Statistics shall not register the delayed certificate and shall advise the applicant of the reasons for this action. In the event the deficiencies are not corrected, the registration official shall advise the applicant of his right of appeal pursuant to § 32-353.18.

(2) The State Board of Health may by regulation provide for the dismissal of an application which is not actively prosecuted.

§ 32-353.18. (a) If a delayed certificate of birth is rejected under the provisions of § 32-353.17, a petition for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered may be filed with the circuit court of the county or the circuit or corporation court of the corporation in which he resides; or if he be a citizen of this State, without a fixed residence, or, if he be a resident of another state, his petition may be to the circuit court of the county or the circuit or corporation court of the corporation in which his birth occurred. In case of a minor who has not parent or guardian, the application may be made by his next friend.

(b) Such petition shall allege:

(1) That the person for whom a delayed certificate of birth is sought was born in this State;

(2) That no record of birth of such person can be found in the office of the State or local custodian of birth records;

(3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with regulations pursuant to § 32-353.17, and

(4) That the State Registrar of Vital Statistics has refused to register a delayed certificate of birth.

(c) The petition shall be accompanied by a statement of the registration official made in accordance with § 32-353.17 (d) (1) and all

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documentary evidence which was submitted to the registration official in support of such registration.

(d) The court shall fix a time and place for hearing the petition and shall give the registration official who refused to register the petitioner's delayed certificate of birth five days' notice of said hearing. Such official, or his authorized representative, may appear and testify in the proceeding.

(e) If the court from the evidence presented finds that the person for whom a delayed certificate of birth is sought was born in this State, it shall make findings as to the place and date of birth, parentage, and such other findings as the case may require and shall issue an order on a form prescribed and furnished by the State Registrar of Vital Statistics to establish a record of birth. This order shall include the birth data to be registered, a description of the evidence presented in the manner prescribed by § 32-353.17, and the date of the court's action.

(f) The clerk of such court shall forward each such order to the State month following the month in which it was entered. Such order shall be Registrar of Vital Statistics not later than the tenth day of the calendar registered by the State Registrar of Vital Statistics and shall constitute the record of birth, from which copies may be issued in accordance with § 32-353.27.

§ 32-353.19. (a) The State Registrar of Vital Statistics shall establish a new certificate of birth for a person born in this State, when he receives the following:

(1) An adoption report as provided in § 63-359 or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeng the adoption, the adoptive parents, or the adopted person if twenty-one years of age or older.

(2) A request that a new certificate be established and such evidence as required by regulation proving that such person has been legitimated, or that a court of competent jurisdiction has determined the paternity of such a person.

(b) When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth;

(1) Thereafter, the original certificate and the evidence of adoption, paternity, or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

(2) Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction.

(c) If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar of Vital Statistics as provided in §§ 32-353.17 or 32-353.18, before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

§ 32-353.20. (a) A death certificate for each death which occurs in this State shall be filed with the registrar of the district in which the death occurred within three days after such death and prior to final disposition or removal of the body from the State, and shall be registered by such registrar if it has been completed and filed in accordance with this section; provided,

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(1) That if the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found within three days after such occurrence; and

(2) That if death occurs in a moving conveyance, a death certificate shall be filed in the registration district in which the dead body was first removed from such conveyance.

(b) The funeral director or person acting as such who first assumes custody of a dead body shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the registrar. He shall obtain the personal data from the next of kin or the best qualified person or source available. He shall obtain the medical certification of cause of death from the person responsible for preparing the same as provided in this section.

(c) The medical certification portion of the death certificate shall be completed and signed within twenty-four hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation is required by the medical examiner.

(d) When death occurred without medical attendance as set forth in paragraph (c) or when inquiry or investigation is required by the medical examiner, the medical examiner shall investigate the cause of death and shall complete and sign the medical certification portion of the death certificate within twenty-four hours after being notified of the death.

§ 32-353.21. (a) A fetal death report for each fetal death which occurs in this State shall be filed with the registrar of the district in which the delivery occurred within three days after such delivery and shall be registered with such registrar if it has been completed and filed in accordance with this section; provided,

(1) That if the place of fetal death is unknown, a fetal death report shall be filed in the registration district in which a dead fetus was found within three days after such occurence; and

(2) that if a fetal death occurs on a moving conveyance, a fetal death report shall be filed in the registration district in which the fetus was first removed from such conveyance.

(b) The funeral director or person acting as such, or in the absence of a funeral director the hospital representative for institutional occurrences, who first assumes custody of a fetus shall file the fetal death certificate; in the absence of such a person, the physician or other person in attendance at or after the delivery shall file the certificate of fetal death. He shall obtain the personal data from the next of kin or the best qualified person or source available. He shall obtain the medical certification of cause of death from the person responsible for preparing the same as provided in this section.

(c) The medical certification portion of the fetal death report shall be completed and signed within twenty-four hours after delivery by the physician in attendance at or after delivery except when inquiry or investigation is required by the medical examiner.

(d) When a fetal death occurs without medical attendance upon the mother at or after the delivery or when inquiry or investigation is required by the medical examiner, the medical examiner shall investigate the cause of fetal death and shall complete and sign the medical certification portion of the fetal death report within twenty-four hours after being notified of the fetal death.

§ 32-353.22. (a) The funeral director or person acting as such who first assumes custody of a dead body or fetus shall obtain a burial-transit permit prior to final disposition or removal from the State of the body or fetus and within seventy-two hours after death.

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(b) Such burial-transit permit shall be issued by the registrar of the district where a satisfactorily completed certificate of death or fetal death was filed.

(c) A burial-transit permit issued under the law of another State which accompanies a dead body or fetus brought into this State shall be authority for final disposition of the body or fetus in this State.

(d) Burial-transit permits shall not be required where disposal of fetal deaths is within the hospital of occurrence and a registry of such events is maintained by the hospital.

(e) A permit for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus except as authorized by regulation or otherwise provided by law. Such permit shall be issued by the State Registrar of Vital Statistics to a licensed funeral director, embalmer, or other person acting as such, upon application filed in accordance with regulations of the State Board of Health.

§ 32-353.23. (a) The State Board of Health may, by regulation and upon such conditions as it may prescribe to assure compliance with the purposes of this chapter, provide for the extension of the periods prescribed in §§ 32-353.20, 32-353.21 and 32-353.22 for the filing of death certificates, fetal death reports, medical certifications of cause of death, and for the obtaining of burial-transit permits in cases in which compliance with the applicable prescribed period would result in undue hardship.

(b) The State Board of Health may promulgate regulations for the issuance of a burial-transit permit under § 32-353.22 prior to the filing of a certificate of death or fetal death upon conditions designed to assure compliance with the purposes of this chapter in cases in which compliance with the requirement that the certificate be filed prior to the issuance of the permit would result in undue hardship.

§ 32-353.24. (a) A certificate or record registered under this chapter may be amended in accordance with this chapter and regulations thereunder adopted by the State Board of Health to protect the integrity and accuracy of vital statistics records, which regulations shall specify the minimum evidence required for a change in any such certificate.

(b) A certificate that is amended under this section shall be marked "amended" except as provided in paragraph (d) of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The State Board of Health shall prescribe by regulation the conditions under which omissions or errors on birth certificates may be corrected within one year after the date of birth without the certificate being considered as amended.

(c) Upon receipt of a certified copy of a court order changing the name of a person born in this State and upon request of such person or his parent, guardian, or legal representative, the State Registrar of Vital Statistics shall amend the certificate to reflect the new name.

(d) Upon request and receipt of a sworn acknowledgement of paternity of a child born out of wedlock signed by both parents, the State Registrar of Vital Statistics shall amend a certificate of birth to show such paternity if paternity is not shown on the birth certificate. Upon request of the parents, the surname of the child shall be changed on the certificate to that of the father. Such certificate shall not be marked "amended".

§ 32-353.25. To preserve original documents, the State Registrar of Vital Statistics is authorized to prepare typewritten, photographic, or other reproductions of original records and files in his office. Such reproductions when certified by him shall be accepted as the original record.

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§ 32-353.26. (a) To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of any such record except as authorized by regulation of the State Board of Health or when so ordered by a court of competent jurisdiction.

(b) The State Department of Health may authorize the disclosure of data contained in vital statistics records for research purposes.

(c) Information in vital statistics records indicating that a birth occurred out of wedlock shall not be disclosed except as provided by regulation or upon order of a court of competent jurisdiction.

(d) Appeals from decisions of the custodians of local records refusing to disclose information, or to permit inspection of or copying of records under the authority of this section and regulations issued hereunder shall be made to the State Registrar of Vital Statistics, whose decisions shall be binding upon the local custodians of permanent local records.

§ 32-353.27. In accordance with § 32-353.26 and the regulations adopted pursuant thereto:

(a) The State Registrar of Vital Statistics shall upon request issue a certified copy of any certificate or record in his custody or of a part thereof. Each copy issued shall show the date of registration; and copies issued from records marked "delayed", "amended", or "court order" shall be similarly marked and show the effective date. Certified copies may be issued by county and city registrars only while the original record is in their possession, except that at the option of the county or city registrar true and complete copies of death certificates may be retained and certified copies of such records may be issued by the county or city registrar.

(b) A certified copy of a certificate or any part thereof, issued in accordance with subsection (a), shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determind by the judicial or administrative body or official before whom the certificate is offered as evidence.

(c) The National Office of Vital Statistics may be furnished such copies or data as it may require for national statistics; provided that the State shall be reimbursed for the cost of furnishing such data; and provided further that such data shall not be used for other than statistical purposes by the National Office of Vital Statistics unless so authorized by the State Registrar of Vital Statistics.

(d) Federal, State, local, and other public or private agencies may, upon request, be furnished copies or data for statistical or verification purposes upon such terms or conditions as may be prescribed by the State Department of Health.

(e) No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a certificate of birth, death, or fetal death except as authorized in this chapter, or regulations adopted hereunder.

§ 32-353.28 (a) The State Department of Health shall prescribe the fees if any, not to exceed two dollars per copy, to be paid for certified copies of certificates or records, or for a search of the files or records when no copy is made.

(b) Fees collected under this section by the State Registrar of Vital Statistics shall be deposited in the general fund of the State treasury.

(c) Fees collected under this section by county and city registrars of

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vital statistics shall be deposited in the general fund of the county or city except that counties or cities in the cooperative local health services program shall forward all such fees to the State Department of Health for deposit in the cooperative local health services fund.

§ 32-353.29 (a) Every person in charge of an institution shall keep a record of personal particulars and data concerning each person admitted or confined to such institution. This record shall include such information as required by the standard certificate of birth, death, and fetal death forms issued under the provisions of this chapter. The record shall be made at the time of admission from information provided by such person, but when it cannot be so obtained, the same shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record.

(b) When a dead human body is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body is released, date of removal from the institution, or if final disposal is by the institution, the date, place, and manner of disposition shall be recorded.

(c) A funeral director, embalmer, or other person who removes from the place of death or transports or is in charge of final disposal of a dead body or fetus, in addition to filing any certificate or other form required by this chapter, shall keep a record which shall identify the body, and such information pertaining to his receipt, removal, and delivery of such body as may be prescribed in regulations adopted by the State Board of Health.

(d) Not later than the tenth day of the month following the month of occurrence, the administrator of each institution shall cause to be sent to the Bureau of Vital Statistics a list showing thereon all births, deaths, and fetal deaths occuring in his institution during the preceding month. Such lists shall be on forms provided by the State Registrar of Vital Statistics.

(e) Not later than the tenth day of the month following the month of occurrence, each funeral director shall send to the Bureau of Vital Statistics a list showing thereon all caskets furnished, and of funerals performed where no casket was furnished, by the funeral director during the preceding month. Such lists shall be on forms provided by the State Registrar of Vital Statistics.

(f) Records maintained under this section shall be retained for a period of not less than ten years and shall be made available for inspection by the State Registrar of Vital Statistics or his representative upon demand.

§ 32-353.30. It shall be the duty of any person to furnish such information as he may possess regarding any birth, death, fetal death, marriage, or divorce, upon demand of the State Registrar of Vital Statistics in person, by mail, or through the county, city, or local registrar.

§ 32-353.31. (a) (1) Any person who willfully and knowingly makes any false statement in a report, record, or certificate required to be filed under this chapter, or in an application for an amendment of any such report, record or certificate, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or

(2) Any person who without lawful authority and with the intent to deceive, makes, alters, amends, or mutilates any report, record, or certificate required to be filed under this chapter or a certified copy of such report, record, or certificate; or

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(3) Any person who willfully and knowingly uses or attempts to use, or furnish to another for use, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, altered, amended, or mutilated; or

(4) Any person who with the intent to deceive willfully uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person shall be punished by a fine of not more than one thousand dollars or imprisoned not more than one year, or both.

(b) (1) Any person who transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided in this chapter; or

(2) Any person who refuses to provide information required by this chapter; or

(3) Any person who willfully neglects or violates any of the provisions of this chapter or refuses to perform any of the duties imposed upon him by this chapter shall be punished by a fine of not les than twenty-five dollars nor more than one hundred dollars or be imprisoned for not more than thirty days or by both such fine and imprisonment.

3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

4. This act shall become effective July one, nineteen hundred sixty.

CHAPTER 452

An Act to amend and reenact § 58-494, as amended, of the Code of Virginia, relating to exemption from license taxation of certain mutual assessment fire insurance companies.

[S 250]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-494, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-494. No license tax for transacting insurance shall be imposed upon any mutual assessment fire insurance company as defined in § 38.1-659 which confines its business to not more than four contiguous counties and cities located therein and wholly surrounded thereby in this State, if any such city has a population of not more than * *thirty* thousand nor less than ten thousand five hundred, or which confines its business to more than four contiguous counties in this State if such counties together have a population not in excess of one hundred thousand.

CHAPTER 453

An Act to amend and reenact § 15-16.1, as amended, of the Code of Virginia, relating to contributions by governing bodies of counties, cities and towns.

[S 258]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 15-16.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-16.1. The governing bodies of counties, cities and towns are authorized to make gifts and donations of property, real or personal, or money to be appropriated from their respective treasuries, to any charitable institution or nonprofit or other organization conducting a hospital, and to any association or other organization furnishing voluntary fire fighting services, within or without the boundaries of the respective counties, cities and towns, and to nonprofit recreational associations or organizations; provided the nonprofit recreational association or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes for operating expenses, or both.

Such governing bodies are authorized to make like gifts and donations from their treasuries to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

All such gifts and donations made prior to March fifth, nineteen hundred fifty nine, are validated hereby.

CHAPTER 454

An Act to require the State Library Board to have prepared and erected in appropriate locations within the city of Staunton historical markers, respectively, commemorating the Virginia School for the Deaf and the Blind, and Mary Baldwin College.

[S 260]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

§ 1. The State Library Board is hereby directed to have prepared and erected prior to January one, nineteen hundred sixty-one, in commemoration of the Virginia School for the Deaf and the Blind, an historical marker on an appropriate location, to be determined by the Board, in the City of Staunton, bearing substantially the following inscription:

THE VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND
FOUNDED 1839

A State residential school created by an Act of the General Assembly of the Commonwealth of Virginia on March 31, 1838 for the purpose of educating the deaf and the blind children of the State.

§ 2. The State Library Board is further directed to have prepared and erected prior to such date, in commemoration of Mary Baldwin College, an historical marker in an appropriate location in the city of Staunton, bearing an appropriate inscription to be determined by the Board.

CHAPTER 455

An Act to authorize the State Board of Education, in its discretion, subject to the approval of the Governor, to sell certain water rights and

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common land owned by Virginia State College and to provide for the application of the proceeds of such sale.

[S 261]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the State Board of Education be, and is hereby, in its discretion, subject to the approval of the Governor, authorized to sell and convey to the city of Petersburg, Virginia, all of the water rights and 5/30 interest in common land owned by Virginia State College which were acquired by deed dated October sixteenth, nineteen hundred twenty-two between John N. Stearns & Company, a corporation, and Virginia Normal and Industrial Institute, a corporation (now Virginia State College), which deed was recorded in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia, on the sixth day of November, nineteen hundred twenty-two, in deed book number one hundred sixty-nine, at page one hundred sixty-three. The sale price of said property shall be in such amount as may be agreed upon by the State Board of Education and the city of Petersburg and the terms of such sale shall be cash in hand paid upon delivery of a deed of conveyance, which deed shall be executed in the name of the Commonwealth of Virginia, State Board of Education, by the President of the State Board of Education, and shall be approved as to form and substance by the Attorney General.

The proceeds of such sale shall be paid into the general fund of the State treasury.

2. An emergency exists and this act is in force from its passage.

CHAPTER 456

An Act for the relief of Mr. Ray DeHart.

[S 262]

Approved March 31, 1960

Whereas, one Charles Avery DeHart, a patient for many years at Lynchburg Training School and Hospital at Colony, Virginia, was on the twentieth day of August, nineteen hundred fifty-eight, killed by accident when he became entangled in a coal conveyor while working as a patient at said institution, and

Whereas, proper investigation of said accident disclosed no negligence or fault on the part of any personnel of said institution or any other person causing said accident, and

Whereas, Mr. Ray DeHart, brother of said Charles Avery DeHart, incurred expense in the amount of seven hundred fifty dollars for the payment of funeral and related burial expenses for the said Charles Avery DeHart, and

Whereas, it is proper that Mr. Ray DeHart be compensated for the expenses so incurred by him; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. The Commissioner of Mental Hygiene and Hospitals shall draw a voucher upon the appropriation to such Department in favor of Mr. Ray DeHart in the amount of three hundred seventy-five dollars, upon the execution of a release by the latter of all claims against the Commonwealth, and such voucher shall be converted to a check in favor of said Ray DeHart in said amount in the manner provided by law.

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CHAPTER 457

An Act to authorize the owner of a motor vehicle to use the license plates assigned thereto by the Division of Motor Vehicles upon other motor vehicles under certain circumstances, to provide for the coverage of the owner's policy of public liability and property damage in such cases, and to repeal certain acts.

[S 272]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The owner of a motor vehicle to which license plates have been assigned by the Division of Motor Vehicles may remove such plates from such motor vehicle and use them upon another motor vehicle owned by a person operating a garage or owned by a motor vehicle dealer provided such use does not extend for more than five days and provided such use is limited to the time during which the first motor vehicle is being repaired or while such second motor vehicle is loaned to him for demonstration, as provided by § 46.1-110.

§ 2. The policy of public liability and property damage insurance issued to the owner of a motor vehicle and covering the operation thereof shall extend to and be the primary insurance applicable to his operation of a motor vehicle on which he has placed license tags from another motor vehicle as provided in § 1 hereof.

2. All acts and parts of acts in conflict herewith are repealed to the extent of such conflict.

CHAPTER 458

An Act to amend and reenact § 58-712 of the Code of Virginia, relating to imposition of tax on motor fuels.

[S 278]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-712 of the Code of Virginia be amended and reenacted as follows:

§ 58-712. * *Each and every dealer in gasoline or other like products of petroleum by whatsoever name designated shall be exempt from the payment of any and all motor fuel taxes upon gasoline or other like products of petroleum sold by such dealer in the State to the State or any political subdivision thereof when such gasoline or other like products of petroleum are sold and delivered by such dealer in bulk lots of not less than five hundred gallons in each delivery to and for the exclusive use by the State or any political subdivision thereof.*

CHAPTER 459

An Act to amend the Code of Virginia by adding thereto a section numbered 54-50.1, providing that an attorney failing for two successive years to pay his Virginia State Bar fees shall forfeit his license to practice law; and to provide for restoration of such license.

[S 279]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 54-50.1 as follows:

§ 54-50.1. Any attorney at law licensed to practice in this State who fails for two successive years to pay the annual fees provided for by § 54-50, shall thereby forfeit his license to practice law in this State.

The Secretary of the Virginia State Bar shall, on or before January thirty-one of each year, notify every attorney whose fees for the two preceding years have not been paid; such notice shall be deemed to have been given if such notice is deposited by registered or certified mail addressed to such attorney at his address as shown on such Secretary's official records; and in the event that payment thereof is not received by him within six months from the date of such notice, he shall remove the name of such attorney from his list of persons qualified to practice law in Virginia, and shall notify the clerk of the Supreme Court of Appeals of Virginia that the name of such attorney has been removed; and such name shall thereafter be restored only upon application of such person to the Secretary accompanied by a sum equal to the aggregate of all fees which are due, plus a penalty in the amount of one hundred dollars; and, upon receipt of the same, the Secretary shall forthwith restore the name of such person to his list of persons qualified to practice law in Virginia and shall forthwith notify the clerk of the Supreme Court of Appeals of Virginia that such name has been restored.

CHAPTER 460

An Act to amend and reenact § 22-107.1 of the Code of Virginia, relating to loans for the construction of school buildings on certain property.

[S 283]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 22-107.1 of the Code of Virginia be amended and reenacted as follows:

§ 22-107.1. Notwithstanding any other provision of this chapter, any school board is authorized to borrow, and the State Board of Education is authorized to lend, moneys belonging to the Literary Fund, for the construction of school buildings on leased property; provided that any such loan has been made on the same tract involved heretofore, and provided further that such lease is for a term of not less than ninety-nine years. No such loan shall be made in any such case unless the lease contains the privilege of renewing the same for an additional period of ninety-nine years and unless the property is held in fee simple by trustees for educational purposes.

In addition, notwithstanding any other provision of this chapter, the State Board of Education is authorized to lend and the school board of a city may borrow moneys belonging to the Literary Fund for the purpose of constructing a school building or addition thereto on real estate in such city held in fee simple by trustees for educational purposes and on which real estate there stands a building used for public school purposes in such city for not less than thirty years, provided such trustees contract with such school board that such real estate will not be sold while the building or addition constructed with such loan stands on such real estate.

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All of the provisions of this chapter shall apply mutatis mutandis to loans made under the provisions of this section, *except that § 22-108 and the first sentence of § 22-114 shall not be applicable to loans made pursuant to the authority granted by the second paragraph of this section.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 461

An Act to encourage the education of the children of the Commonwealth by authorizing the governing body of any county, city, or town to appropriate and expend funds for educational purposes in furtherance of the elementary and secondary education of children residing in the county, city, or town.

[S 284]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. Notwithstanding any provision of law limiting the power of counties, cities or towns to levy taxes and to appropriate funds for educational purposes, and in addition to the powers granted such counties, cities or towns under other provisions of law, to levy taxes and appropriate funds for educational purposes, the governing body of any county, city or town is hereby authorized and empowered to appropriate and expend funds of the county, city or town for educational purposes in furtherance of the elementary and secondary education of children between the ages of six and twenty years residing in such county, city or town, under such uniform regulations, in such amounts, and to such persons, associations or corporations as the governing body of such county, city or town may, by ordinance, provide.

2. No other statute heretofore or hereafter enacted by the General Assembly shall be construed to limit the powers thus conferred, except and unless said statute expressly refers to this Act.

CHAPTER 462

An Act to amend and reenact § 38.1-381, as amended, of the Code of Virginia, relating to policies or contracts of bodily injury liability insurance or of property damage liability insurance.

[S 285]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-381, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 38.1-381. (a) No policy or contract of bodily injury liability insurance, or of property damage liability insurance, covering liability arising from the ownership, maintenance or use of any motor vehicle, shall be issued or delivered in this State to the owner of such vehicle, or shall be issued or delivered by any insurer licensed in this State upon any motor vehicle then principally garaged or principally used in this State, unless it contains a provision insuring the named insured and any other person responsible for the use of or using the motor vehicle with the consent,

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expressed or implied, of the named insured, against liability for death or injury sustained, or loss or damage occasioned within the coverage of the policy or contract as a result of negligence in the operation or use of such vehicle by the named insured or by any such person.

(b) Nor shall any such policy or contract be so issued or delivered unless it contains an endorsement or provisions undertaking to pay the insured all sums which he shall be legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle, within limits which shall be no less than the requirements of § 46.1-1(8), as amended from time to time, of the Code herein. Such endorsement or provisions shall also provide for no less than five thousand dollars coverage for injury to or destruction of the property of the insured in any one accident but may provide an exclusion of the first two hundred dollars of such loss or damage.

(c) As used in this section, the term "bodily injury" shall include death resulting therefrom; the term "insured" as used in subsections (b), (d), (f), and (g) hereof, means the named insured and, while resident of the same household, the spouse of any such named insured, and relatives of either, while in a motor vehicle or otherwise, and any person who uses, with the consent, expressed or implied, of the named insured, the motor vehicle to which the policy applies and a guest in such motor vehicle to which the policy applies or the personal representative of any of the above; and the term "uninsured motor vehicle" means a motor vehicle as to which there is no (i) bodily injury liability insurance and property damage liability insurance both in the amounts specified by § 46.1-1(8), as amended from time to time, or (ii) there is such insurance but the insurance company writing the same denies coverage thereunder, (iii) there is no bond or deposit of money or securities in lieu of such bodily injury and property damage liability insurance and (iv) the owner of such motor vehicle has not qualified as a self-insurer under the provisions of § 46.1-395. A motor vehicle shall be deemed to be uninsured if the owner or operator thereof be unknown; provided that recovery under the endorsement or provisions shall be subject to the conditions hereinafter set forth.

(d) If the owner or operator of any motor vehicle which causes bodily injury or property damage to the insured be unknown, the insured or someone on his behalf, in order for the insured to recover under the endorsement, shall report the accident as required by § 46.1-400, unless such insured is reasonably unable to do so, in which event the insured shall make such report as soon as reasonably practicable under the circumstances.

(e) If the owner or operator of any vehicle causing injury or damages be unknown, an action may be instituted against the unknown defendant as "John Doe" and service of process may be made by delivery of a copy of the motion for judgment or other pleadings to the clerk of the court in which the action is brought and service upon the insurance company issuing the policy shall be made as prescribed by law as though such insurance company were a party defendant. The insurance company shall have the right to file pleadings and take other action allowable by law in the name of John Doe.

(e) (1) Any insured intending to rely on the coverage required by paragraph (b) of this section shall, if any action is instituted against the owner or operator of an uninsured motor vehicle, serve a copy of the process upon the insurance company issuing the policy in the manner prescribed by law, as though such insurance company were a party defendant; such company shall thereafter have the right to file pleadings and take other action allowable by law in the name of the owner or opera-

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tor of the uninsured motor vehicle or in its own name; provided, however, that nothing in this paragraph shall prevent such owner or operator from employing counsel of his own choice and taking any action in his own interest in connection with such proceeding.

This subsection shall not apply to any cause of action arising prior to the effective date of this amendment.

(f) Any insurer paying a claim under the endorsement or provisions required by paragraph (b) of this section shall be subrogated to the rights of the insured to whom such claim was paid against the person causing such injury, death or damage to the extent that payment was made; provided that the bringing of an action against the unknown owner or operator as John Doe or the conclusion of such an action shall not constitute a bar to the insured, if the identity of the owner or operator who caused the injury or damages complained of becomes known, from bringing an action against the owner or operator theretofore proceeded against as John Doe, provided that any recovery against such owner or operator shall be paid to the insurance company to the extent that such insurance company paid the named insured in the action brought against such owner or operator as John Doe, except that such insurance company shall pay its proportionate part of any reasonable costs and expense incurred in connection therewith including reasonable attorney's fees. Nothing in an endorsement or provisions made under this paragraph nor any other provision of law shall operate to prevent the joining in an action against John Doe of the owner or operator of the motor vehicle causing such injury as a party defendant and such joinder is hereby specifically authorized.

(g) No such endorsement or provisions shall contain any provision requiring arbitration of any claim arising under such endorsement or provisions, nor may anything be required of the insured except the establishment of legal liability, nor shall the insurer be restricted or prevented in any manner from employing legal counsel or instituting legal proceedings.

(h) The provisions of paragraph (a) and (b) of this section shall not apply to any policy of insurance to the extent that it covers the liability of an employer under any workmen's compensation law, *but no provision or application of this section shall be construed to limit the liability of the insurance company, insuring motor vehicles, to an employee or other insured under this section who is injured by an uninsured motor vehicle.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 463

An Act to amend and reenact § 22-119 of the Code of Virginia, relating to money derived under the provisions of the "forest reserve act" approved by Congress on May twenty-third, nineteen hundred and eight, and to the disposition of such money.

[S 293]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 22-119 of the Code of Virginia be amended and reenacted as follows:

§ 22-119. All money, or moneys, which shall have already been paid, or which may hereafter be paid to the State of Virginia, under an act of Congress, approved May twenty-third, nineteen hundred and eight, arising

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from the forest reserve, shall be paid to the State Treasurer, to be distributed and disposed of as provided in this section.

The treasurer of each county, in which there is located any land owned by the United States government and held as a forest reserve, shall ascertain the area of such land so situated in his county, and the reserve in which the same is located, and make a report thereof to the Comptroller. Upon receipt of such information from the Treasurer, the Comptroller shall apportion all money or moneys undistributed which have been paid, or which may hereafter be paid to the Commonwealth, under an act of Congress, approved May twenty-third, nineteen hundred and eight, and arising from the forest reserve, among the counties in which the forest reserve is located, according to the area in each county, or if all of the funds received from one reservation lies in one county, it shall all be apportioned to that county, and the Comptroller shall draw his warrant on the State treasury in favor of the treasurer of each county for the amount apportioned to such county, and such treasurer shall receive the same and place the funds to the credit of the public schools of his county, * *which money may be expended by the school board for public school purposes upon the warrant of its chairman drawn upon the treasurer of the county, and no appropriation therefor by the governing body of the county shall be required.* The Comptroller shall keep separate accounts of all funds received by him under such act of Congress.

2. An emergency exists and this act is in force from its passage.

CHAPTER 464

An Act to amend and reenact § 22-20 of the Code of Virginia, relating to expenses of members of the State Board of Education, so as to provide a per diem.

[S 297]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 22-20 of the Code of Virginia be amended and reenacted as follows:

§ 22-20. *A per diem of fifteen dollars a day and* such reasonable expenses as * *each* member of the State Board may incur in attending the meetings of the Board, or any committee thereof, shall be paid from available funds by the Treasurer on the warrant of the Comptroller upon the approved voucher or vouchers required by the Comptroller.

CHAPTER 465

An Act to amend and reenact § 18-330 of the Code of Virginia, relating to observance of Saturday as Sabbath by certain persons.

[S 304]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 18-330 of the Code of Virginia be amended and reenacted as follows:

§ 18-330. The penalty imposed by the preceding section shall not be

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incurred by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath, and actually refrains from all secular business and labor on that day, provided he does not compel an apprentice or servant, not of his belief, to do secular work or business on a Sunday * .

CHAPTER 466

An Act to amend and reenact § 8-386, as amended, of the Code of Virginia, relating to the time at which a judgment becomes a lien on real property.

[S 307]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-386, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 8-386. Every judgment for money rendered in this State by any state or federal court * *or by confession of judgment, as provided by law,* shall be a lien on all the real estate of or to which the defendant in the judgment is or becomes possessed or entitled, * *from the time such judgment is recorded on the judgment lien docket of the clerk's office of the county or city where such land is situated.*

CHAPTER 467

An Act to amend and reenact § 19-129 of the Code of Virginia, relating to charge to grand jury.

[S 308]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 19-129 of the Code of Virginia be amended and reenacted as follows:

§ 19-129. The grand jury, after being sworn, shall be charged by the judge of the court and shall then be sent to their room. *No person summoned pursuant to §§ 8-185 through 8-192 shall be present in the court room when said grand jury is charged; and the charging of said grand jury in violation of this provision shall constitute reversible error in any criminal case tried by a jury summoned pursuant to §§ 8-185 through 8-192.*

CHAPTER 468

An Act to amend the Code of Virginia by adding a section numbered 8-111.1, to provide for admission of facts and genuineness of documents without formal proof thereof in certain cases.

[S 311]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 8-111.1 as follows:

§ 8-111.1. (a) After commencement of an action a party may serve upon any other party a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request. If a plaintiff desires to serve a request within ten days after commencement of the action, leave of court, granted with or without notice, must be obtained. Copies of the document shall be served with the request unless copies have already been furnished. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than ten days after service thereof or within such shorter or longer time as the court may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a notice of hearing the objections at the earliest practicable time. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder.

(b) Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other proceeding.

CHAPTER 469

An Act to amend and reenact § 8-288, as amended, of the Code of Virginia, relating to the testimony of husband and wife in criminal cases.

[S 313]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-288, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 8-288. In criminal cases husband and wife shall be allowed, and, subject to the rules of evidence governing other witnesses, may be compelled to testify in behalf of each other, but neither shall be compelled, nor, without the consent of the other, allowed to be called as a witness against the other, except in the case of a prosecution for an offense committed by one against the other or against a minor child of either and except in the case either is charged with forgery of the name of the other or uttering or attempting to utter a writing bearing the allegedly forged signature of the other; but if either be called and examined in any case as a witness in behalf of the other, the one so examined shall be deemed competent, and, subject to the exception stated in the next section, may

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be compelled to testify against the other under the same rules of evidence governing other witnesses. The failure of either husband or wife to testify, however, shall create no presumption against the accused, nor be the subject of any comment before the court or jury by any attorney. In the prosecution for a criminal offense committed by one against the other or against a minor child of either not over * *sixteen* years of age or against one charged with forgery of the name of the other, or uttering, or attempting to utter a writing bearing the allegedly forged signature of the other, each shall be a competent witness except as to privileged communications.

CHAPTER 470

An Act to authorize certain counties to issue bonds to finance acquisition of land for public purposes and to prescribe certain conditions in connection with issuance of such bonds.

[S 321]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The governing body of any county having a density of population in excess of five thousand per square mile may issue bonds for the purpose of acquiring land for diversified public purposes.

§ 2. The provisions of the Public Finance Act of 1958, as amended, shall apply except that the individual projects for which the land is required need not be specified.

§ 3. The proceeds of any bonds authorized and sold under this act shall be set aside in a special fund designated the "Revolving Fund for Advance Land Acquisition." The fund shall be reimbursed for expenditures for the purchase of land from the proceeds of bonds authorized and sold to carry out the particular project for which the land was acquired, or by amounts duly appropriated by the governing body from current revenue.

§ 4. If the governing body determines that the need for advance land acquisition no longer exists, it may discontinue the fund provided for in § 3 of this act, providing that the resolution adopted under the provisions of § 15-666.40 of the Code of Virginia shall have provided for the payment of principal and interest on any such bonds from the revenue of the project or from ad valorem taxes or other current revenue of the county.

2. An emergency exists and this act is in force from its passage.

CHAPTER 471

An Act to authorize the Governor and Attorney General to execute, in the name of the Commonwealth, a deed conveying unto the United States of America certain formerly submerged lands in Willoughby Bay, Mason Creek, Theleball's Creek and Boush Creek in the city of Norfolk, Virginia.

[S 326]

Approved March 31, 1960

Whereas, between the years 1940 and 1943, the United States of America, reclaimed, by filling, certain submerged lands from the beds of

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Willoughby Bay, Mason Creek, Theleball's Creek and Boush Creek, abutting on the property of the United States of America, and erected therein airplane runways, taxiways, buildings and other permanent improvements for the operation, landing and repair of naval aircraft, all in the interest of the national defense; and

Whereas, the United States now desires to perfect its title to the said reclaimed lands by obtaining a conveyance thereof from the Commonwealth of Virginia; and

Whereas, it is in the public interest that the Commonwealth of Virginia so convey its title to such reclaimed lands to the United States of America, subject to the jurisdictional and other limitations and reservations contained in § 7-19 of the Code of Virginia of 1950, as amended, notwithstanding anything to the contrary contained in § 7-25 of the Code of Virginia of 1950, as amended; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. The Governor and the Attorney General are hereby authorized in consideration of the premises and of the payment of the sum of ONE DOLLAR ($1.00) to the Commonwealth of Virginia by the United States of America, to execute, in the name of the Commonwealth of Virginia, and deliver to the United States of America, a proper deed of conveyance, under the lesser seal of the Commonwealth, conveying forever, subject only to the jurisdictional and other limitations and reservations contained in § 7-19 of the Code of Virginia of 1950, as amended, notwithstanding anything to the contrary contained in § 7-25 of the Code of Virginia of 1950, as amended, all of its right, title and interest in and to the following described property:

All those four certain tracts, pieces, or parcels of formerly submerged land lying and being in the city of Norfolk, Virginia, abutting on the property of the United States of America, and being more particularly described as follows, to-wit:

FIRST: Starting at a point in the easterly line of Taussig Boulevard (formerly Kersloe Road) said point being a corner common to Tracts "B" and "D" acquired by Declaration of Taking filed July 11, 1940, in the District Court of the United States, Eastern District, Virginia, in an action entitled, "United States of America, Petitioner, v. 1034 acres, more or less, of land in the City of Norfolk and County of Norfolk, State of Virginia, et al., Defendants,"; thence with the boundary line separating these tracts N 6° 48′ E 559 feet, S 87° 34′ E 230.7 feet, S 86° 54′ E 300 feet, and N 8° 00′ W 660 feet to the POINT OF BEGINNING, thence northward with the easterly boundary of said Tract "D" to its intersection with the northerly line of Mason Creek Bridge, said boundary being the former mean low water line of Theleball's Creek and Mason Creek as it existed in July 1940; thence with the northerly edge of Mason Creek Bridge N 39° 50′ E 550 feet to its intersection with the westerly boundary of Tract "A" acquired in the above mentioned Declaration of Taking; thence generally, easterly, southerly, easterly, southwesterly and southeasterly with the boundary of said Tract "A" to its intersection with the present mean low water line of Mason Creek, the aforesaid boundary of Tract "A" being the mean low water line of former Mason Creek as it existed in July 1940; thence with existing mean low water line of Mason Creek S 36° 00′ E 1295 feet to its intersection with the northerly boundary of Tract "B" mentioned aforesaid, thence westerly and southerly with the boundary of Tract "B" to the POINT OF BEGINNING, said boundary being the former mean low water line of Mason Creek and Theleball's Creek as it existed in July 1940, containing 131. 6 acres, more or less, and being more particularly shown on Y & D DRAWING No. 842786 entitled,

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"Naval Air Station, Norfolk, Va., Property Map showing reclaimed area to be acquired from the Commonwealth of Virginia," dated December 14, 1959, as Reclaimed Area No. 1,

SECOND: Beginning at a point in the northerly boundary of former 99th Street acquired as Tract "F" by Declaration of Taking filed October 9, 1940, in the District Court of the United States, Eastern District, Virginia, in an action entitled, "United States of America, Petitioner, v. 7.1 acres of land, more or less, in the City and County of Norfolk, Virginia, et al., Defendants", said point being the southeasterly corner of the lands acquired by the United States of America by Presidential Proclamation signed June 28, 1917, and recorded in the Clerk's Office of the Circuit Court of Norfolk County, Virginia, September 22, 1917, Deed Book 440 at Page 417, which said lands were then known as the "Jamestown Exposition Site on Hampton Roads, Virginia", thence with the boundary of said Jamestown Exposition Site to a corner in a 374 acre parcel acquired by deed from the Commonwealth of Virginia to the United States of America dated March 8, 1956, recorded in the Clerk's Office of the Circuit Court, Norfolk County, March 15, 1956, Deed Book 1206 at Page 226, recorded in the Clerk's Office of the Corporation Court of the City of Norfolk, Virginia, March 30, 1956, Deed Book 721 at Page 228, the aforementioned Jamestown Tract boundary being the former mean low water line of the main channel of Boush Creek as it existed in June 1917, and having the following approximate courses and distances N 16° 00′ E 650 feet N 38° 00′ W 1030 feet; N 39° 00′ E 400 feet; S 68° 00′ E 1840 feet; thence with the boundary of the aforesaid 374 acre parcel S 67° 21′ E 620 feet to its intersection with the easterly edge of an existing bulkhead, thence with the said edge of bulkhead S 28° 00′ W 240 feet to its intersection with the boundary of lands acquired as Tract "D" by Declaration of Taking filed July 11, 1940 in the District Court of the United States, Eastern District, Virginia, in an action entitled, "United States of America, Petitioner, v. 1034 acres, more or less of land in the City of Norfolk and County of Norfolk, State of Virginia, et al., Defendants"; thence with the boundary of said Tract "D" generally westerly and southerly to the northeasterly corner of lands acquired as Tract "F" in the Declaration of Taking first above mentioned, said boundary of Tract "D" being the mean low water line of Boush Creek as it existed in July 1940; thence with the boundary of said Tract "F" N 84° 00′ W 260 feet to the POINT OF BEGINNING containing 28.8 acres, more or less, and being more particularly shown on Y & D Drawing No. 842786 entitled, "Naval Air Station, Norfolk, Va., Property Map showing reclaimed areas to be acquired from the Commonwealth of Virginia", dated December 14, 1959, as Reclaimed Area No. 2.

THIRD: Starting at the intersection of the northerly edge of Mason Creek Bridge with the westerly edge of an existing bulkhead, thence with said edge of bulkhead N 47° 56′ W 160 feet to an intersection with the boundary of Tract "A" acquired by Declaration of Taking filed July 11, 1940, in the District Court of the United States, Eastern District, Virginia, in an action entitled, "United States of America, Petitioner, v. 1034 acres, more or less, of land in the City of Norfolk and County of Norfolk, State of Virginia, et al., Defendants", said intersection being the POINT OF BEGINNING for Reclaimed Area No. 3; thence with said edge of bulkhead N 47° 56′ W 430 feet to another intersection with the boundary of said Tract "A", thence with the boundary of Tract "A" generally northerly, easterly and southerly to the POINT OF BEGINNING, said boundary being the former mean low water line of Mason Creek as it existed in July 1940, containing 2.6 acres, more or less, and being more particularly

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shown on Y & D Drawing No. 842786 entitled, "Naval Air Station, Norfolk, Va., Property Map Showing Reclaimed Areas to be acquired from the Commonwealth of Virginia", dated December 14, 1959, as Reclaimed Area No. 3.

FOURTH: Beginning at a point, said point being the northwest corner of lands acquired by Declaration of Taking filed April 9, 1942, in the District Court of the United States, Eastern District, Virginia, in an action entitled, "United States of America, Petitioner, v. certain lots, blocks and tracts of land in the City of Norfolk, Virginia, John A. Morris, et al., Defendants", said point also being the northeast corner of lands acquired by Declaration of Taking filed November 5, 1941, in the District Court of the United States, Eastern District, Virginia, in an action entitled, "United States of America, Petitioner, v. 87.47 acres of land, more or less, in Norfolk County, Virginia, Will-Cooke corp., et al., Defendants"; thence with the boundary of land acquired in the last mentioned Declaration of Taking S 73° 17′ W 700 feet to its intersection with the westerly edge of an existing bulkhead, said boundary being the former mean low water line of Willoughby Bay as it existed in November 1941, thence with the said westerly edge of the bulkhead N 19° 45′ W 20 feet to a corner in said bulkhead, thence with the northerly edge of said bulkhead N 70° 15′ E 210 feet to its intersection with the present mean low water line of Willoughby Bay, thence with the present mean low water line of Willoughby Bay the following courses and distances N 22° 30′ E 285 feet; N 5° 58′ W 700 feet; N 39° 10′ W 200 feet; N 17° 00′ W 170 feet; N 2° 00′ W 550 feet; N 3° 50′ W 680 feet; N 1° 58′ E 710 feet; N 25° 30′ E 680 feet; N 75° 28′ E 585 feet; S 63° 10′ E 640 feet, S 55° 50′ E 795 feet; S 84° 00′ E 215 feet to its intersection with the boundary of lands acquired in the first mentioned Declaration of Taking, said intersection being located S 20° 25′ 48″ E 801.29 feet from an iron pin in the northeast corner of West Ocean View Avenue and 6th View Street, thence with the boundary of lands acquired in the first mentioned Declaration of Taking southerly and westerly to the POINT OF BEGINNING, said boundary being the former mean low water line of Willoughby Bay as it existed in April 1942, containing 188.86 acres, more or less, and being more particularly shown on Y & D Drawing No. 842786 entitled, "Naval Air Station, Norfolk, Va., Property Map Showing Reclaimed Areas to be acquired from the Commonwealth of Virginia", dated December 14, 1959, as Reclaimed Area No. 4.

2. An emergency exists and this act is in force from its passage.

CHAPTER 472

An Act to repeal §§ 15-740 through 15-746, inclusive, of the Code of Virginia, relating to erection of dams in or across watercourses.

[S 334]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 15-740 through 15-746, inclusive, of the Code of Virginia, are repealed.

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CHAPTER 473

An Act to amend and reenact § 32-392, as amended, of the Code of Virginia, relating to definitions of the words Hospital, Nonprofit, Nursing School, Nurse Training Facility, and Council, so as to define Charitable Institution.

[S 342]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 32-392, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 32-392. As used in this chapter:

(a) "Hospital" includes any general nonprofit hospital, but does not include any hospital furnishing primarily domiciliary care.

(b) "Nonprofit" as applied to a hospital means any hospital owned and operated by a corporation, foundation, authority, municipal corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual *, *and which is not operated as a charitable institution as defined in this section.*

(c) "Nursing school" means a school approved by the State Board of Nurse Examiners for the education and training of professional nurses within this State and operated by, or in conjunction with, a hospital.

(d) "Nurse training facility" means a dormitory, classroom, laboratory or other related facility * under construction *on April twenty-third, nineteen hundred and fifty-nine,* or * *thereafter* constructed, and used *or to be used* by a nursing school exclusively for housing * *and* training student nurses in training to become nurses but shall not include a facility for training beyond such level.

(e) "Council" means the Advisory Council on Nurse Training.

(f) "Charitable institution" as used in this section shall mean a hospital which renders service to the public generally without imposing any charge or fee upon any recipient of such service.

2. An emergency exists and this act is in force from its passage.

CHAPTER 474

An Act to amend and reenact § 15-152.9, as amended, of the Code of Virginia, relating to vacancies on the court occurring during the trial of an annexation proceeding, so as to continue thereon the judge of the circuit court of the county in which such proceeding is pending.

[S 343]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-152.9, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-152.9. If a vacancy occurs on such court at any time prior to the final disposition of the case and the completion of all duties required to be performed by it, the court shall not be dissolved and the proceeding shall not fail; but the vacancy shall be filled by designation of another judge, possessing the qualifications prescribed in § 15-152.8. Such substitute judge shall have all the power and authority of his predecessor and

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the court shall proceed as so constituted to hear and determine the case and do all things necessary to accomplish its final disposition and the completion of all the duties of the court, including such matters as the certification of evidence and exceptions; provided, that no decision shall be rendered or action taken after such designation with respect to any question previously submitted to but not decided by the court except after a full hearing in open court by the court as reconstituted of all the evidence theretofore introduced before the court and a hearing of all arguments theretofore made with reference to such question. *In the event that the judge of the circuit court of the county in which the territory sought to be annexed lies ceases to be the judge of such circuit court, while any such proceeding is pending, by reason of the rearrangement of the territorial jurisdiction of the judicial circuit of which such county is a part, such judge shall nevertheless continue to serve on such annexation court until the completion of all of the duties of such court in such proceeding and no vacancy shall be deemed to exist on such court with respect to such proceeding.*

2. An emergency exists and this act is in force from its passage.

CHAPTER 475

An Act to provide that the provisions of Articles 1, 2, 6 and 7 of Chapter 2 of Title 51 of the Code of Virginia, relating to the retirement of judges, disabled judges, retirement of judges and commissioners for incapacity and the judges' and commissioners' retirement fund, shall be applicable to assistant Attorneys General upon certain conditions.

[S 344]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the provisions of Articles 1, 2, 6 and 7 of Chapter 2, Title 51 of the Code of Virginia, as heretofore or hereafter amended, shall, to the extent herein provided, be applicable mutatis mutandis to, and shall include, any assistant Attorney General of Virginia after having attained the age of seventy years and who has served as such for not less than twenty years; provided that any interim service as Attorney General of Virginia shall be deemed to be creditable service.

The provisions of § 51-27 of the Code shall apply to all salary earned and paid to any assistant Attorney General subsequent to June thirtieth, nineteen hundred and sixty; provided, that any assistant Attorney General may notify the Comptroller not later than August thirty-first, nineteen hundred sixty that he elects not to make the payments into the Judges' and Commissioners' Retirement Fund, in which event every assistant Attorney General so electing shall not thereafter be entitled to receive any retirement salary or other benefit provided for in Chapter 2, Title 51 of the Code of Virginia.

Any person upon first being appointed to the office of assistant Attorney General may notify the Comptroller not later than sixty days after the commencement of his employment as such that he elects not to make the payments into the Judges' and Commissioners' Retirement Fund, in which event he shall not thereafter be entitled to receive any retirement salary or other benefit provided for in Chapter 2, Title 51 of the Code of Virginia.

It is further provided that notwithstanding any other provision of

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this Act, and the provisions of Articles 1, 2, 6 and 7 of Chapter 2, Title 51, of the Code of Virginia, the annual compensation to be paid any assistant Attorney General who has made contributions under § 51-27 of the Code of Virginia for a period of less than twenty years, and who retires under the provisions of this chapter, shall be an amount equal to one-half of the annual salary being received by him as assistant Attorney General immediately prior to his retirement; and provided further that such compensation from the State shall be reduced by the amount of the primary social security benefit to which such assistant Attorney General is entitled under the Old Age and Survivors Insurance provisions of the Federal Social Security Act at the time of his retirement.

CHAPTER 476

An Act to amend and reenact §§ 4-33 and 4-104, as amended, of the Code of Virginia, relating to license taxes on the manufacture and sale of alcoholic beverages.

[S 345]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 4-33 and 4-104, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 4-33. (a) Amount of tax.—The taxes on State licenses issued pursuant to the provisions of this chapter shall be as follows:

(1) For each distiller's license, if to manufacture not in excess of five thousand gallons of alcohol or spirits, or both, during the year in which the license is issued, one hundred dollars; and if to manufacture more than five thousand gallons during such year, one thousand dollars per annum;

(2) For each winery license, if to manufacture not in excess of five thousand gallons of wine during the year in which the license is issued, one hundred dollars; and if to manufacture more than five thousand gallons during such year, one thousand dollars per annum;

(3) For each brewery license, one thousand dollars per annum;

(4) For each bottler's license, five hundred dollars per annum;

(5) For each wholesale beer license, two hundred and fifty dollars per annum;

(6) For each wholesale wine distributor's license, two hundred and fifty dollars and for each wholesale druggist's license, ten dollars per annum;

(7) For each retail on-premises wine and beer license to a hotel, restaurant, club or other person (except a person operating a boat, dining car, buffet car or club car), * *forty* dollars per annum; for each such license to a person operating a boat, dining car, buffet car or club car, * *forty* dollars per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in this State;

(8) For each retail on-premises beer license to a hotel, restaurant, club or other person (except a person operating a boat, dining car, buffet car or club car), * *twenty* dollars per annum; for each such license to a person operating a boat, dining car, buffet car or club car, * *twenty* dollars per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in this State;

(9) For each retail off-premises wine and beer license, * *forty* dollars per annum;

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(10) For each retail winery off-premises license, * *twenty* dollars per annum;

(11) For each retail off-premises beer license, * *twenty* dollars per annum;

(12) For each retail on-and-off-premises wine and beer license to a hotel, restaurant, club or other person (except a person operating a boat, dining car, buffet car or club car), * *eighty* dollars per annum; for each such license to a person operating a boat, dining car, buffet car or club car, * *eighty* dollars per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in this State;

(13) For each retail on-and-off-premises beer license to a hotel, restaurant, club or other person (except a person operating a boat, dining car, buffet car or club car), * *forty* dollars per annum; for each such license to a person operating a boat, dining car, buffet car or club car, * *forty* dollars per annum for each of the average number of boats, dining cars, buffet cars or club cars operated daily in this State;

(14) For each druggist license, * *twenty* dollars per annum;

(15) For each banquet license, * *ten* dollars;

(16) For each fruit distillers' license, one thousand five hundred dollars.

(b) Proration of tax.—The tax on each such license shall be subject to proration to the following extent: If the license is issued in the second quarter of any year the tax shall be decreased by one-fourth; if issued in the third quarter of any year the tax shall be decreased by one-half; and if issued in the fourth quarter of any year the tax shall be decreased by three-fourths. If the license on which the tax is prorated be a distiller's license to manufacture not in excess of five thousand gallons of alcohol or spirits, or both, during the year in which the license is issued, or a winery license to manufacture not in excess of five thousand gallons of wine during the year in which the license is issued, the number of gallons permitted to be manufactured shall be prorated likewise; provided, that should the holder of a distiller's license or a winery license to manufacture not in excess of five thousand gallons of alcohol or spirits, or both, or wine, apply during the license year for an unlimited distiller's or winery license, such person shall pay for such unlimited license a license tax equal to the amount that would have been charged had such license been applied for at the time that the license to manufacture less than five thousand gallons of alcohol or spirits or wine, as the case may be, was issued, and such person shall be entitled to a refund of the amount of license tax previously paid on the limited license.

(c) Other State taxes.—Nothing in this chapter shall be construed as exempting any licensee from any State merchants' license or State restaurant license or any other State tax whatsoever; and every licensee, in addition to the taxes imposed by this chapter, shall be liable to State merchants' license taxation and State restaurant license taxation and other State taxation the same as if the alcoholic beverages were nonalcoholic; provided, however, that in ascertaining the liability of a beer wholesaler to merchants' license taxation, and in computing the wholesale merchants' license tax on a beer wholesaler, the first one hundred and sixty-three thousand eight hundred dollars of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first one hundred and sixty-three thousand eight hundred dollars of wine purchases shall be disregarded; and provided, further, that if any such beer wholesaler or wholesale wine distributor pays no separate beverage license tax under chapter 2 of this

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Title by reason of § 4-39, the words "beer" and "wine" as used in the foregoing proviso shall be construed to include the beverages covered by such chapter.

(d) Refunds.—The Board is hereby authorized and empowered to correct erroneous assessments made by it against any person and to make refunds of any amounts collected pursuant to erroneous assessments, or collected as taxes on licenses, which are subsequently refused or application therefor withdrawn, and to allow credit for license taxes paid by any licensee for any license which is subsequently merged or changed into another license during the same license year. No refund shall be made of any such amount, however, unless made within one year from the date of collection of the same.

§ 4-104. (a) Amount of tax; proration.—The taxes on State licenses issued pursuant to the provisions of this chapter shall be as follows:

(1) For each manufacturer's license, one hundred dollars per annum; for each bottler's license, fifty dollars per annum; for each wholesaler's license, fifty dollars per annum; and for each retailer's license, * *twenty* dollars per annum.

(2) For every distributing house or place in this State, operated by any person and used in whole or in part for distributing beverages among his retail stores in the State, a separate State license is hereby required, and the tax on every such license shall be fifty dollars per annum.

(3) The tax on each such license shall be subject to proration to the following extent; if the license is issued in the second quarter of any year the tax shall be decreased by one-fourth; if issued in the third quarter of any year the tax shall be decreased by one-half; and if in the fourth quarter of any year the tax shall be decreased by three-fourths.

(4) Taxes on retailers' licenses issued for the sale of beverages on railway cars, vessels and aircraft shall be as provided in § 4-113.

(b) Expiration and extension of licenses.—All such licenses shall expire on the thirtieth day of June next following the date of issuance. The Board may, however, within its discretion, extend any license issued or granted hereunder, for a period not to exceed in any case sixty days.

(c) Other State taxes.—Nothing in this chapter shall be construed as exempting any licensee from any State merchants' license or State restaurant license or any other State tax whatsoever; and every licensee, in addition to the taxes imposed by this chapter, shall be liable to State merchants' license taxes and State restaurant license taxes and other State taxes the same as if the beverages were nonalcoholic; provided, however, that in ascertaining the liability of a beverage wholesaler to merchants' license taxes, and in computing the wholesale merchants' license tax on a beverage wholesaler, the first ten thousand dollars of beverage purchases shall be disregarded if such beverage wholesaler pays a separate wholesale beverage license tax under this chapter and is not within the provisions of § 4-39.

(d) Disposition of taxes.—All license taxes collected by the Board under the provisions of this chapter shall be paid into the State treasury and treated in the same manner as license taxes collected by the Board under the provisions of the preceding chapter.

CHAPTER 477

An Act to amend and reenact § 2 of Article II, §§ 7, 8, 11, 13, and 14 of Article IV, § 7 of Article VI and § 2 of Article VIII of Chapter 238 of the Acts of Assembly of 1952, approved March 8, 1952, which pro-

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vided a charter for the town of Poquoson, the sections relating respectively to powers of the town, adoption of ordinances, appointment of officers, payment of claims by school board, and composition of planning commission.

[H 245]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2 of Article II, §§ 7, 8, 11, 13 and 14 of Article IV, § 7 of Article VI and § 2 of Article VIII of Chapter 238 of the Acts of Assembly of 1952, approved March 8, 1952, be amended and reenacted as follows:

ARTICLE II

§ 2. In addition to the powers granted by other sections of this charter the town is empowered:

(a) To raise annually by levy of taxes and assessments in the town on all property, real and personal, as is now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council shall deem necessary for the purposes of the town, in the manner as the council shall deem expedient, subject to the Constitution and general law of the Commonwealth.

(b) To impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments.

(c) To require the owner of every motor vehicle kept or habitually used in the town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the town treasurer, or such other person as may be designated by the council to issue said license, and to require the vehicle owner to pay an annual license fee therefor to be fixed by the council provided that the license shall not exceed one-half the amount charged by the State on the said vehicle, except * any vehicle registered with the Division of Motor Vehicles * as a truck, in which case the license shall not exceed the amount charged by the State on the said vehicle.

(d) To establish, levy, and collect, except when prohibited by general law, a tax or license on any person, firm or corporation, except motor vehicle carriers of passengers or property liable for and which pay the road tax calculated on gross receipts prescribed by § 58-638 of the Code, pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may exceed the State license, if any be required and may provide penalties for nonpayment thereof.

(e) To establish, levy and collect taxes for admission to or other charge for any public amusement, entertainment, performance, exhibition, lecture, sport or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge.

(f) To establish, levy, and collect taxes upon the amount paid for the use of water, electricity, gas, telephone or other public utility service used within the town, which taxes may be added to and collected with the bills rendered the purchasers of such service.

(g) To establish, levy, and collect a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia and the Constitution of the United States of America.

ARTICLE IV

§ 7. The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the TOWN OF POQUOSON". No

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ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings *or one regular and one special meeting, or two special meetings,* not less than seven days apart *in any case,* unless the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least three of the members.

§ 8. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of three-fifths of its members present, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be passed *as an emergency measure.*

§ 11. At the first meeting in * *September* following each councilmanic election, or as soon thereafter as practicable the council shall appoint *the officers provided for in this section and §§ 12 and 13.* * *The council shall appoint* a town manager, who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the town or the Commonwealth but during his tenure of office shall reside within the town. He shall be appointed for an indefinite period and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager and neither the council nor any member thereof shall give orders to any subordinate of the town manager, either publicly or privately. The town manager shall have the authority and it shall be his duty:

(1) To see that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced.

(2) To appoint such officers and employees, as the council shall determine and authorize as are necessary for the proper administration of the affairs of the town with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment.

(3) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(4) To recommend to the council for adoption such measures as he may deem necessary or expedient.

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(5) To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs.

(6) To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this charter.

(7) To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent.

(8) To supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

§ 13. The council shall appoint a town clerk, who may also be the town manager for an indefinite term. He shall receive such compensation as provided by the council. He shall have the following duties:

(a) To be the custodian of the corporate seal.

(b) To give notice of council meetings.

(c) To keep a journal of council proceedings.

(d) To authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions.

*

(f) To prepare all statements for monies owed the town for supplies or services rendered.

(g) To perform such other duties as may be prescribed or requested by the council.

§ 14. The council may appoint an attorney for the town for an indefinite term, who shall be an attorney at law licensed to practice * *law in Virginia* and who shall be a resident of the town. He shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. He shall have the following powers and duties:

(a) To be the legal advisor of the council, the town manager and of all departments, boards, commissions and agencies of the town, including the school board, in all matters affecting the interests of the town and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties.

(b) To prepare, at the request of the town manager or any member of the council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof.

(c) To draw or approve all bonds, deeds, leases, contracts or other instruments to which the town is a party or in which it has an interest.

(d) To represent the town as counsel in any civil case in which it is interested and in any criminal case when so requested by the town council.

ARTICLE VI

§ 7. Such town school board shall have power: (a) To call meetings of the people of the town for consultation in regard to the school interests thereof, at which meetings the chairman or some other member of the board shall preside if present.

(b) To provide suitable schoolhouses, with proper furniture and appliances, and to care for, manage, and control the school property of the town. For these purposes, it may lease, purchase, or build such houses according to the exigencies of the town and the means at its disposal.

(c) To visit the public free schools within the town, from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

(d) To manage and control the school funds of the town, to provide for the pay of teachers and of the clerk of the board, for the cost of providing the schoolhouses and the appurtenances thereto and the repairs thereof, the school furniture and appliances, for necessary textbooks for indigent children attending the public free schools, and for any other

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expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers.

(e) To examine all claims against the school board, and when approved, to order or authorize the payment thereof. A record of such approval, order or authorization shall be made in the proceedings of the board. Payment of each claim shall be ordered or authorized by a * *check* drawn on the treasurer or other officer of the town charged by law with the responsibility for the receipt, custody and disbursement of the funds of the town. The * *check* shall be signed by the chairman or vice chairman of the board and countersigned by the clerk or deputy clerk thereof, payable to the person or persons, firm or corporation entitled to receive such payment. There shall be stated on the face of the * *check* the purpose or service for which such payment is drawn and also that such * *check* is drawn pursuant to an order entered or authority granted by the board on the .....day of ..... The * *check* may be converted into a negotiable check when the name of the bank upon which the funds stated in the * *check* are drawn or by which the check is to be paid is designated upon its face and is signed by the treasurer, or other officer of the town charged by law with the responsibility for the receipt, custody and disbursement of the funds of the town.

(f) To submit its budget estimates to the town manager for transmittal to the council no later than the tenth day of March of each year in the form prescribed by the State Board of Education. The action of the council and the town manager on the school budget shall relate to its total only and the school board shall have authority to expend in its discretion the sums appropriated for its use, provided that if it receives an appropriation greater or less than its original request it shall forthwith revise its estimates of expenditure and adopt appropriations in accordance therewith. The school board shall, before the beginning of the fiscal year, file with the town treasurer its budget as finally revised and its appropriations based thereon. The school board shall have the power to order, during the course of the fiscal year, transfers from one item of appropriation to another, notice of which shall be transmitted immediately to the town treasurer.

(g) To appoint one of its members to represent the First Corporate School District on the York County School Board.

(h) To perform such other duties as shall be prescribed by the State Board of Education or are imposed by general law.

ARTICLE VIII

§ 2. There shall be a town planning commission consisting of * five citizen members, who shall be qualified voters of the town appointed for a term of six years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. Citizen members appointed previous to the effective date of this charter shall continue to serve as members of the commission until the expiration of the terms for which they were appointed. Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation.

2. An emergency exists and this act is in force from its passage.

CHAPTER 478

An Act to amend the Code of Virginia by adding thereto a section numbered 16.1-143.1, so as to permit localities to establish and oper-

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ate joint regional juvenile and domestic relations courts, and to provide for payment of salaries of judges and personnel of such courts.

[H 251]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 16.1-143.1 as follows:

§ 16.1-143.1. The governing bodies of any city or county or of any group of cities or counties or cities and counties may establish and operate a joint regional juvenile and domestic relations court. The contribution of each such locality to the expenses of maintaining and operating such court shall be in accordance with agreement between such governing bodies. The salaries of the judges, associate judges, substitute judges, clerks, deputy clerks and other employees of such courts shall be fixed by the Compensation Board, and shall be paid by the State out of the appropriations in the general appropriation act for criminal charges.

The judges, associate judges, or substitute judges shall be appointed for a term of four years by the judges of the courts of record having jurisdiction within the area served by such court.

If the appointment is to be made by two or more judges and they cannot agree, such fact shall be certified to the Chief Justice of the Supreme Court of Appeals who shall thereupon designate a judge of some other circuit or corporation court to sit with such judges in considering the appointment, which appointment shall then be made by a majority of the judges sitting.

CHAPTER 479

An Act to amend Chapter 343 of the Acts of Assembly of 1928, approved March 21, 1928, which provided a new charter for the city of Lynchburg, by adding thereto a section numbered 14-A, relating to the preparation and submission of an annual budget.

[H 270]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That Chapter 343 of the Acts of Assembly of 1928, approved March 21, 1928, be amended by adding thereto a section numbered 14-A as follows:

§14-A. At such time as council may direct, but not later than forty-five days before the end of each fiscal year, the city manager shall prepare and submit to the council for informative and fiscal planning purposes only, an annual budget for the ensuing year, based upon detailed estimates furnished by the several departments and other divisions of the city government according to a classification as nearly uniform as possible. The budget shall contain such other information as may be prescribed by council.

2. An emergency exists and this act is in force from its passage.

CHAPTER 480

An Act to amend and reenact § 33-255.41, as amended, of the Code of Virginia, relating to The Richmond-Petersburg Turnpike Authority,

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so as to provide the manner in which the rules and regulations of the Authority may be proved in evidence and to change the date for making the annual report of the activities of the Authority.

[H 276]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 33-255.41, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 33-255.41. (a) The project, when constructed and opened to traffic, shall be maintained and kept in good condition and repair by the Authority, and shall be operated by such tolltakers and other operating employees as the Authority may employ. The project shall be policed by such number of officers of the Department of State Police as shall be mutually agreed to from time to time by the Superintendent of State Police and the Authority. Such officers shall be under the exclusive control and direction of the Superintendent of State Police and shall be responsible to him exclusively, for the performance of their duties and the exercise of their powers. The Authority shall reimburse the Commonwealth at such time or times as shall be required by the Superintendent the compensation paid to such officers by the Commonwealth and other costs and expenses incurred in performing such functions *. Such expenses shall constitute a part of the cost of maintaining and operating the project. Such officers shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth and all rules and regulations made in accordance therewith, within the limits of the right of way of the project, and all rules and regulations established by the Authority pursuant to paragraph (e) of § 33-255.28 of this article, and such officers shall have all the rights and duties of police officers as provided by the general laws of the Commonwealth within the limits of such right of way and such areas. The violation of any such rule or regulation shall be punishable as follows: If such a violation would have been a violation of law if committed on any public road, street or highway in the county, city or town in which such violation occurred, it shall be punishable in the same manner as if it had been committed on such public road, street or highway; otherwise it shall be punishable as a misdemeanor. All other police officers of the Commonwealth and of each county, city, town or other political subdivision of the Commonwealth through which the project extends shall have the same powers and jurisdiction within the limits of such right of way and areas as they have beyond such limits and shall have access to the project, right of way and areas at any and all times without interference for the purpose of exercising such powers and jurisdiction. For the purpose of enforcing such laws, rules and regulations the court or courts having jurisdiction for the trial of criminal offenses of the municipality, county or other political subdivision within whose boundaries any crime is committed shall have jurisdiction to try any person charged with the violation of any such laws, rules and regulations within such boundaries. *A copy of the rules and regulations of the Authority, attested by the Secretary-Treasurer of the Authority, may be admitted as evidence in lieu of the original. Any such copy purporting to be sealed and signed by such Secretary-Treasurer may be admitted as evidence without any proof of the seal or signature, or of the official character of the person whose name is signed to it.*

(b) All actions at law and suits in equity and other proceedings, actions and suits against the Authority, or any other person, firm or corporation, growing out of the construction, maintenance, repair, operation and use of the project, or growing out of any other circumstances, events or causes in connection therewith, shall be brought and conducted in the

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court or courts having jurisdiction of such actions, suits and proceedings in the municipalities, counties or other political subdivisions within whose boundaries the causes of such actions, suits and proceedings arise, and jurisdiction is hereby conferred on such court or courts for the purpose. All such actions, suits and proceedings on behalf of the Authority shall be brought and conducted in the Circuit Court of the city of Richmond, except as herein otherwise provided, and exclusive jurisdiction is hereby conferred on such court for the purpose. Eminent domain proceedings instituted and conducted by the Authority shall be brought and conducted in the court or courts having jurisdiction of such proceedings in the municipality, county or other political subdivision within whose boundaries the land or other property to be so acquired or the major portion thereof is situated, and jurisdiction is hereby conferred on such courts for such purpose.

(c) All private property damaged or destroyed in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable or just compensation shall be paid therefor out of funds provided under the provisions of this article.

(d) On or before the * *thirty-first day of July in each year, the Authority shall make a report of its activities for the twelve months period preceding July 1 of such year* to the Governor and the municipalities, counties and other political subdivisions through which the project is constructed. Each such report shall set forth a complete operating and financial statement covering the Authority's operations during the year, including the classes of employees and the compensation paid to them. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof shall be treated as a part of the cost of construction and operation of the project.

(e) The records, books and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the Governor, the State Highway Commission, the governing bodies of the municipalities, counties or other political subdivisions through which the project is constructed and any bondholder or bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

(f) Any member, agent or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars or imprisonment in jail for not more than one year, either or both. Exclusive jurisdiction for the trial of such misdemeanors is hereby conferred upon the Hustings Court of the city of Richmond.

CHAPTER 481

An Act to provide a charter and form of government for the city of Arlington, and to provide for the adoption thereof; to repeal Chapter 464, Acts of Assembly 1942, approved April 6, 1942, and Chapter 367, Acts of Assembly 1946, approved March 28, 1946, incorporating the city of Arlington.

[H 278]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

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ARTICLE ONE

INCORPORATION AND BOUNDARIES

1. § 1.01. Incorporation. The inhabitants of the territory comprised within the hereinafter defined limits are hereby declared to be a body politic and corporate under the name of the city of Arlington and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and have a corporate seal it may alter at its pleasure.

§ 1.02. Boundaries. The boundaries of the city of Arlington shall coincide with the boundaries of Arlington County as such boundaries existed immediately preceding the effective date of this charter.

There shall also be included in the boundaries of the city any territory ceded to the Commonwealth of Virginia by any government or agency thereof between the points where the northwest boundary of the city intersects with the Potomac and where the southeast boundary of such city intersects such River and such city shall include within its boundaries any territory added between the two such points by artificial fills, alluvion, erosion or otherwise.

ARTICLE TWO

POWERS OF THE CITY OF ARLINGTON

§ 2.01. Corporate Powers. The powers set forth in §§ 15-77.1 through 15-77.70 of Chapter 5.1 of the Code of Virginia as in force on (date on which charter is enacted) are hereby conferred on and vested in the city of Arlington.

ARTICLE THREE

THE CITY COUNCIL

§ 3.01. The Council. The city of Arlington shall be governed by a city council which shall be composed of five members who shall be qualified electors of the city.

§ 3.02. Election of Councilmen. The persons holding office as members of the county board of Arlington County at the time this charter becomes effective shall constitute the council of the city of Arlington and shall continue to constitute the council until the election and qualification of their successors as hereinafter provided.

On the second Tuesday in June immediately following the effective date of this charter a city election shall be held for the purpose of electing city councilmen. At this first city election there shall be elected a number of councilmen sufficient to replace those members of the council who served as members of the former county board and who, as of the thirtieth day of June immediately following the effective date of this charter, will have served more than 24 months of the respective terms for which they were originally elected. Two years after the first city election another election shall be held for the purpose of replacing the remaining members of council who served as members of the former county board. Every two years thereafter an election shall be held for the purpose of electing city councilmen.

All councilmen elected in accordance with the provisions of this section shall be elected from the city at large for terms of four years and shall take office on the first day of July immediately following their election.

§ 3.03. Filling Vacancies on Council. Vacancies on council, from whatever cause arising, shall be filled for the unexpired portion of the term by majority vote of the remaining members of council if such vacancy shall occur two years or less before the date of the expiration of such term. If such vacancy shall occur more than two years before the expira-

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tion of such term, the vacancy shall be filled by majority vote of the remaining members of council only until the next succeeding councilmanic election, at which election the qualified voters of the city shall elect a person to serve as councilman for the remaining two years of the term.

§ 3.04. Compensation of Councilmen. The annual salary of the members of council shall be three thousand dollars, payable in equal monthly installments. The council, by ordinance, may change such salary, increasing or decreasing the annual amount thereof, but no change shall be effective as to any member of the council enacting such ordinance during his current term of office nor during his next succeeding term of office unless said ordinance was adopted at least six (6) months prior to such succeeding term of office.

§ 3.05. Powers of Council. All powers possessed by the city of Arlington shall be vested in the city council, except as otherwise provided in this charter.

§ 3.05:1. Procedural Powers. The council is empowered, subject to the provisions of this charter, to adopt its own rules of procedure.

(a) The rules of procedure shall provide for the time and place of holding the regular meetings of council which shall not be less frequently than once each month, and shall also provide for the calling of special meetings by any two members of the council and shall prescribe the method of giving notice thereof.

(b) An ordinance to be enacted into law shall require the affirmative vote of a majority of the membership of council. Except as otherwise provided, every ordinance, before being enacted into law, shall be published either in substance or in summary, at least one week prior to the date the ordinance will be considered for adoption, in a newspaper having general circulation within the city of Arlington. With such publication there shall appear a notice of the time and place the proposed ordinance will be considered for adoption. Whenever it is deemed necessary by four-fifths of the membership of council, a proposed ordinance may be enacted into law without prior publication.

(c) Every act of the council authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a fine or penalty is imposed, or placing any burden upon or limiting the use of property, or any other action binding upon the citizens of the city shall be by ordinance and shall be enacted only at a council meeting open to the public.

(d) A majority of the council shall constitute a quorum for the transaction of business.

§ 3.06. Mayor. At its first regular meeting and every two years thereafter, the council shall choose, by majority vote, one of its members to serve as mayor of the city of Arlington for the ensuing two years. The mayor shall serve as chairman of the council, head of the city government for ceremonial purposes, and shall have such other duties as the council may prescribe which are not inconsistent with the provisions of this charter.

§ 3.07. Clerk of Council. The council shall appoint, for an indefinite term, a person to serve as clerk of the council. The clerk shall receive such compensation and perform such duties as may be prescribed by council.

ARTICLE FOUR

THE CITY MANAGER

§ 4.01. The City Manager. The council shall appoint a city manager who shall be the executive and administrative head of the city government. The city manager shall be chosen solely on the basis of his executive and administrative abilities; he shall serve at the pleasure of the council; and, his compensation shall be determined by the council.

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No member of the council shall, during his term of office or for one year thereafter, be appointed city manager, nor shall any person holding an elective office of the city be appointed city manager.

§ 4.02. Powers of the City Manager. The city manager shall have the power and it shall be his duty to:

(a) Appoint and remove all officers and employees in the administrative service of the city, except as he may designate his subordinates to appoint employees, and except as otherwise provided by this charter.

(b) Prepare and submit to council each year an annual budget, and execute such budget as adopted by council.

(c) Perform such other duties and exercise such other powers as may be imposed or conferred upon him by council which are not inconsistent with the provisions of this charter.

ARTICLE FIVE

DEPARTMENTAL ORGANIZATION

§ 5.01. Department of Finance. There shall be a department of finance, the head of which shall be a director of finance, who shall be appointed by the city manager.

The director of finance shall be the administrative head of the department, and as such shall have charge of all financial affairs of the city, including such powers as may be assigned to the department of finance by the city council.

§ 5.02. Department of Law. (a) There shall be a department of law which shall be under the direction of a city attorney to be appointed by the city council.

(b) The city attorney shall be the legal advisor of the council, the city manager, and all other agencies, departments, boards and commissions of the city in all matters affecting the interests of the city. He shall represent the city and all agencies thereof in all legal proceedings and shall perform such other duties as may be required by council. He shall, upon request, furnish a written opinion on any question of law involving the city or any of its agencies. He shall draw or approve all bonds, deeds, leases, contracts or other instruments to which the city is a party or in which it has an interest. He shall attend all meetings of the city council and render legal advice when requested and shall represent the city before the council and shall resist the allowance of any claim which is improper.

(c) Such assistant attorneys as may be authorized by council shall be appointed or removed by the city attorney. The salary of the city attorney shall not be diminished during his term of office.

(d) The city attorney shall be appointed by the city council to serve a four year term beginning on the first day of January next succeeding the date of incorporation of the city of Arlington; provided, however, that the city council may appoint a city attorney to serve until the commencement of the term herein created.

§ 5.03. Department of Home Demonstration. There may be a department of home demonstration which shall consist of a home demonstration agent and such assistants and employees as may be authorized by council. The city shall have and may exercise all powers which are now or may hereafter be conferred upon counties under the laws of the Commonwealth pertinent to the conduct of, and appropriations to promote, county home demonstration work.

The home demonstration agent shall be director of the department of home demonstration and shall be selected from a list of eligibles submitted by the Virginia Polytechnic Institute.

§ 5.04. Department of Personnel. There shall be a department of personnel which shall be headed by a director of personnel appointed

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by the city manager from a list of persons found qualified through open competitive examination held by the civil service commission of the city.

It shall be the duty of the director of personnel to carry into effect the provisions of the merit system ordinance to the end that the personnel practices of the city shall be conducted in accordance therewith.

§ 5.05. Civil Service Commission. There shall be a civil service commission which shall consist of three members, who shall be qualified voters of the city, appointed by the council for terms of four years. Vacancies on the civil service commission shall be filled by majority vote of the council for the remainder of the unexpired term.

The civil service commission shall serve in an advisory capacity regarding the formulation of personnel policies of the city and shall perform such specific duties as are set forth in the merit system ordinance.

Those persons serving as members of the civil service commission of Arlington County immediately preceding the effective date of this charter shall, on the date this charter becomes effective, become the members of the civil service commission of the city of Arlington and serve out the terms for which they were originally appointed.

§ 5.06. Planning Commission. There shall be a city planning commission which shall consist of nine members, who shall be qualified voters of the city, appointed by the council for terms of four years. Vacancies shall be filled by a majority vote of the council for the remainder of the unexpired term.

The planning commission of the city of Arlington shall have all powers granted by general law to planning commissions of municipalities.

Those persons serving as members of the planning commission of Arlington County immediately preceding the effective date of this charter shall thereupon become members of the planning commission of the city of Arlington and serve out the terms for which they were originally appointed.

§ 5.07. Board of Zoning Appeals. There shall be a board of zoning appeals for the city of Arlington which shall consist of five members appointed for four-year terms by the city council.

Upon the effective date of this charter the board of zoning appeals of Arlington County shall become the board of zoning appeals of the city of Arlington, and the members of the county board of zoning appeals shall continue to serve as members of the city board of zoning appeals for the remainder of the terms for which they were originally elected.

§ 5.07:1. Powers of the Board of Zoning Appeals. The board of zoning appeals of the city of Arlington shall have all powers granted to boards of zoning appeals of cities by general law, and in addition, the council may vest in the board of zoning appeals the power to hear and decide on the issuance and renewal of use permits as authorized in local zoning ordinances.

§ 5.07:2. Appeals From Actions of the Board of Zoning Appeals. Appeals from any action of the board of zoning appeals of the city of Arlington may be taken to the circuit court of the city of Arlington in the manner prescribed by general law.

§ 5.08. Welfare. The Department of Welfare shall be organized as provided by general law.

§ 5.09. The School Board. The school board of the city of Arlington shall consist of five members who shall be appointed by council for terms of four years, and shall receive such compensation as may be determined by council.

Upon the effective date of this charter the school board of Arlington County shall become the school board of the city of Arlington, and the members of the school board of the county shall continue to serve as

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members of the city school board for the remainder of the terms for which they were originally appointed.

§ 5.10. Board of Equalization of Real Estate Assessments. There shall be a board of equalization of real estate assessments which shall consist of three citizen members appointed annually by the council. The board of equalization of real estate assessments shall possess all powers conferred by general law upon such boards in cities.

Upon the date this charter becomes effective the persons who are then members of the board of equalization of real estate assessments of Arlington County shall become the members of such board of the city of Arlington and shall continue to serve in such capacity for the remainder of the terms for which they were originally appointed.

§ 5.11. Basic Power to Council. Notwithstanding any of the foregoing provisions, the city council shall have the power to create, combine, or abolish departments, boards, commissions, advisory councils, and other agencies of the city government, and shall have the power to transfer, reassign, or combine any of the functions and activities of any department or other agency unless prohibited by general law, except that the council shall not have the power to abolish, transfer or combine the functions of the Departments of Finance or Law.

ARTICLE SIX

FINANCIAL AFFAIRS OF THE CITY OF ARLINGTON

§ 6.01. The Fiscal Year. The fiscal year of the city of Arlington shall begin on the first day of July and end on the thirtieth day of June of the succeeding year.

§ 6.02. The Budget. Not later than the fifteenth day of March annually, the city manager shall prepare and submit to the council a budget presenting a financial plan for conducting the affairs of the city for the ensuing fiscal year; provided, however, that that portion of the budget relating to the school system shall be prepared and submitted to the council by the school board.

The budget shall be set up in such manner, and include such information, as the council, by ordinance, shall require. A public hearing concerning the budget shall be held and notice thereof given, and after such hearing the budget shall be adopted by an affirmative vote of a majority of the membership of council, provided that the date of adoption not be later than forty-five days prior to the beginning of the fiscal year. Nothing herein contained shall be construed to be in conflict with Chapter 79, Acts of the Assembly, Special Session 1959.

§ 6.03. Appropriations.—The council shall enact, at the time the budget is adopted, an appropriation ordinance, the purpose of which shall be to appropriate funds for commitments provided for in the budget, and no obligation for the expenditure of money shall be incurred except in pursuance of the appropriation ordinance or a legal supplement thereto; provided, however, that the appropriation ordinance shall appropriate for school purposes only a total amount, and the school board shall have the authority to expend, in its discretion, the total appropriated for school purposes.

§ 6.04. Payment of Taxes. Any person, other than a public service corporation, owning taxable real property in the city of Arlington shall pay, on or before August fifteenth of each year, the taxes assessed against such real property for that year, and upon failure to do so shall incur a penalty as prescribed by general law.

§ 6.05. Referendum on Bonds. No bonds of the city of Arlington shall be issued until the question of issuance is submitted to the qualified voters of the city at a general or special election and shall have been approved by a majority of the qualified voters voting on the question. The

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question shall be submitted to the voters in the form of approval or disapproval of an ordinance which shall state the purpose or purposes of such bond issue or issues, the amount or amounts thereof, and the length of time for which such bonds are to be issued. The conduct of such election and the proceedings thereof shall be determined by general law.

§ 6.06. Annual Audit. After the close of each fiscal year there shall be made an independent audit of the city's finances, either by the Auditor of Public Accounts of the Commonwealth or by a firm of independent certified public accountants to be selected by the council. The report of such audit shall be filed with the council at such time as the council may specify.

ARTICLE SEVEN

COURTS OF THE CITY OF ARLINGTON

§ 7.01. Circuit Court. Upon incorporation the city of Arlington as herein created shall, at all times, be, become, and continue, in every respect, within the jurisdiction of the circuit court of the judicial circuit wherein it is situated. The said court shall continue and shall, thereafter, be known as the circuit court of the city of Arlington and shall have the same jurisdiction in the city of Arlington as is given by general law to the circuit courts of other cities of the first class in this State.

§ 7.01:1. Judges of the Circuit Court. Those persons who hold office as the judges of the circuit court of Arlington County immediately preceding incorporation shall thereby become and continue to be judges of the circuit court of the city of Arlington for the terms of their original appointments. They shall continue to hold said offices in all respects in accordance with the general laws of Virginia which relate to the office of judge of circuit courts of cities of the first class. Upon the expiration of their terms or in the event of vacancies in said offices, the offices shall be filled in the manner then provided by general law.

§ 7.01:2. Transition of Circuit Court. All actions of every kind, criminal as well as civil, pending in the circuit court of the county at the effective date of incorporation shall thereupon and thereby retain an identical status in the circuit court of the city. Such actions shall automatically be transferred to, and shall proceed to final judgment in, the latter court. The circuit court of the city shall have full authority to issue writs, enforce judgments and decrees and exercise every manner of judicial function in relation to former actions in the circuit court of the county, as though no change had been made in the status of the latter. All prosecutions of whatever nature and all other proceedings of whatever kind which might have been brought in the circuit court of the county may be instituted or brought in the circuit court of the city.

§ 7.02. Municipal Court. The county court of Arlington County shall, upon the date this charter becomes effective, become and continue to be the municipal court of the city of Arlington. Said court shall have both civil and criminal jurisdiction, and shall have such other judicial powers as are conferred by general law on municipal courts. The municipal court shall be open for the transaction of business every day of the year except Saturdays, Sundays, legal holidays and such days or portions thereof on which the office of the Clerk of the Circuit Court is closed by order of such Court.

§ 7.02:1. Judges of the Municipal Court. There shall be a judge of the municipal court of the city of Arlington and such associate and substitute judges as may be deemed necessary by the council. The judges of said court shall be appointed for terms of four years by the circuit court of the city of Arlington or the judges thereof in vacation, and appointments to vacancies shall be for the unexpired term. The judge and associate or associates shall not practice law; their salaries shall not be diminished during their term of office; and they each shall have an annual

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vacation of one month. Each substitute judge shall receive for his services a per diem compensation equivalent to one-twenty-fifth of the monthly installment of the salary of the judge.

Those persons who hold office as judges of the county court of Arlington County immediately preceding the effective date of this charter shall thereby become and continue to be judges of the municipal court of the city of Arlington for the terms of their original appointments.

§ 7.02:2. Transition of Municipal Court. All actions of every kind, criminal as well as civil, pending in the county court of the county at the effective date of incorporation shall thereupon retain an identical status in the municipal court of the city. Such actions shall automatically be transferred to, and shall proceed to final judgment in the latter court. All prosecutions of whatever nature and all other proceedings of whatever kind which may have arisen before the effective date of incorporation and which might have been brought in the county court of the county may be instituted or brought in the municipal court of the city.

§ 7.03. Juvenile and Domestic Relations Court. The juvenile and domestic relations court of Arlington County shall, upon the date this charter becomes effective, become and continue to be the juvenile and domestic relations court of the city of Arlington, and said court shall possess the same jurisdiction and powers as are conferred by law upon juvenile and domestic relations courts of cities.

§ 7.03:1. Judges of the Juvenile and Domestic Relations Court. The circuit court of the city of Arlington or the judges thereof in vacation shall appoint for four-year terms, a judge or judges of the juvenile and domestic relations court, and appointments to vacancies shall be for the unexpired term. The person holding the office of judge of the juvenile and domestic relations court of Arlington County at the time this charter becomes effective shall thereupon become and continue to be the judge of the juvenile and domestic relations court of the city of Arlington.

§ 7.03:2. Transition of the Juvenile and Domestic Relations Court. All actions of every kind which are pending in the juvenile and domestic relations court at the effective date of incorporation shall thereupon retain the same status in the said court of the city.

§ 7.04. Clerks of Courts. The person holding the office of County Clerk of Arlington County shall, upon the effective date of this charter, become the Clerk of the Circuit Court of the City of Arlington, and shall have such powers, functions and duties as Clerk of the Circuit Court of the city as are provided by general law for cities of the first class and such officer shall continue in said office for the term for which he was elected. The person holding the office of Clerk of the Arlington County Court and the person holding the office of the Clerk of the Juvenile and Domestic Relations Court of Arlington County, shall, upon the effective date of this charter, become, respectively, the Clerk of the Municipal Court and the Clerk of the Juvenile and Domestic Relations Court of the City of Arlington, and shall have, respectively, such powers, functions and duties as are provided by general law for clerks of such courts for cities of the first class, and such officers shall continue in said offices for the terms for which they were appointed.

§ 7.05. Clerk of Courts Not of Record. The council may, in its discretion, by ordinance, provide for the appointment by the judges of all municipal courts not of record of a single clerk for all such courts, or it may provide for the appointment of a separate clerk for each court not of record.

§ 7.06. Transfer of Records. Upon the effective date of this charter, all records and papers of the Arlington County courts not of record shall be transferred to the appropriate courts not of record of the city of Arlington.

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§ 7.07. Special Justices and Violations Bureau. The judges of the Circuit Court of the city may, from time to time, appoint as many special justices for such city as they deem necessary or proper to perform the duties and exercise the powers set out herein. The terms of office of all such special justices, including those now in office, shall expire on March one, nineteen hundred fifty-nine, and on March one of each fourth year thereafter. Such appointments shall be revocable at the pleasure of the appointing authority. Such special justices shall qualify in the same manner as is prescribed by law for justices of the peace, and shall be conservators of the peace within such city. They shall exercise within such city all the power and authority which is conferred upon justices of the peace by general law except the power to issue civil processes. When any court violations bureau shall be duly established, then such special justices shall also be employees of the city for the purpose of performing the duties and functions of such bureau and shall be subject to all such general administrative regulations governing city employees as may be reasonably applied to such special justices and the judge of the municipal court of such city shall have the power of the chief administrative officer of such bureau and shall have general power to suspend any special justice without pay for a period not to exceed twenty days for any breach of rules or procedures; provided, however, that said power of suspension shall not be exercised unless and until an order of the circuit court has been entered delegating to the judge of the municipal court such general discretionary power of suspension and setting forth therein provision for review by the circuit court of any abuse of such discretion. The salaries of special justices shall be fixed and paid by the governing body of the city, in which event all fees collected by such justices or to which they shall be entitled shall be paid monthly into the city treasury and used as far as possible to pay such salaries. After the appointment of such special justices for the city, no justice of the peace shall thereafter be elected or appointed for the city. Special justices holding office upon the effective date of this charter shall continue in office in accordance with their preceding appointments.

ARTICLE EIGHT
PROVISIONS FOR TRANSITION

§ 8.01. Assets and Liabilities. On and after the date that this charter becomes effective, the city of Arlington shall become and be liable for the bonded indebtedness and other current debts and obligations of Arlington County, or any subdivision or district thereof, as such obligations existed immediately preceding incorporation. The title to all the property, all rights and privileges, all things of value, all monies and other assets of the said county or any subdivision or district thereof, shall succeed to and become the property of the city of Arlington. In the same manner and to the same extent as provided above, all property, rights and privileges, things of value, and other assets, and all bonded and other debts, obligations, and other liabilities of the school board of the county, at the time said county becomes a city, shall vest in the school board of the city of Arlington.

§ 8.02. Retirement System. All pension and retirement plans in effect in Arlington County immediately prior to the effective date of this charter shall, upon incorporation, be automatically continued, and such pension and retirement plans shall be conducted and administered in the same manner and under the same laws as such plans were conducted and administered prior to incorporation.

All legal obligations existing by reason of any pension or retirement plan in Arlington County in effect immediately prior to incorporation shall be transferred, upon incorporation, from Arlington County to the city of Arlington.

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§ 8.03. County Code. All laws, parts of laws, ordinances and resolutions adopted by the county board of Arlington County, not in conflict with this charter or the Constitution of the Commonwealth, are hereby continued in full force and effect as laws, parts of laws, ordinances and resolutions of the city council of the city of Arlington, until amended or repealed in accordance with the provisions of this charter.

§ 8.04. Constitutional Officers. Those persons holding office in Arlington County as county clerk, attorney for the Commonwealth, commissioner of the revenue, treasurer, and sheriff, respectively, immediately preceding incorporation, shall, by virtue of such incorporation, become, respectively, clerk of circuit court, attorney for the Commonwealth, commissioner of the revenue, treasurer, and city sergeant of the city of Arlington, and shall continue to hold such offices until the expiration of the respective terms for which they were originally elected.

The above mentioned constitutional officers shall have such powers and perform such duties as are provided by the Constitution of Virginia; and, except as is otherwise provided in this charter, as are provided by the provisions of general law for cities of the first class.

§ 8.05. Boards, Commissions, and Other Agencies. All boards, commissions, and other agencies of Arlington County, not specifically mentioned in this charter, shall, upon the effective date of incorporation, become and continue to be the same boards, commissions, and other agencies of the city of Arlington, and the officers who constituted said county boards, commissions, and other agencies shall continue to serve as members of the city boards, commissions, and other agencies for the remainder of the terms for which they were originally elected or appointed, whichever the case may be, or until their successors have been duly elected or appointed and qualified, or until the boards, commissions, or other agencies on which they serve may be reorganized, combined, or abolished by the city council.

§ 8.06. Notaries Public. Until such time as the Notaries Public for Arlington County shall be commissioned as Notaries Public for the city of Arlington, all instruments certified by a Notary commissioned for Arlington County shall be valid to the same extent as if such Notary had been commissioned for the city of Arlington.

§ 8.07. Representation in the General Assembly. The incorporation of Arlington County as a city of the first class under the provisions of this charter shall in no way operate to affect or change the representation in the General Assembly of Virginia to which the people of said county were entitled at the time of its incorporation as a city.

§ 8.08. Membership in Intergovernmental Bodies. All rights, powers, liabilities, and benefits of Arlington County resulting by virtue of membership in intergovernmental bodies shall inure to the city of Arlington upon incorporation, and all representatives of Arlington County on such intergovernmental bodies shall continue on such intergovernmental bodies as representatives of the city, as if the city of Arlington had originally been a party to the creation of such bodies.

ARTICLE NINE
MISCELLANEOUS PROVISIONS

§ 9.01. Saving Clause. In the event that any portion, section, or provision of this charter shall be declared illegal, invalid, or unconstitutional by final judgment of any court of competent jurisdiction, such judgment shall not invalidate any other portion, section, or provision hereof, but all parts of this charter not expressly held to be invalid shall remain in full force and effect.

SCHEDULE

1. The provisions of this act providing a charter for the city of Arlington shall not become effective as to Arlington unless a majority of the qualified

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voters of Arlington County voting on the question in an election ordered and held in the manner hereinafter provided, votes in favor of incorporating Arlington County as a city of the first class.

The circuit court of the county, or the judge thereof in vacation, shall, within fifteen days after receipt of a request made by a resolution adopted by the governing body of the county with at least three affirmative votes on the County Board, or by a petition of the qualified voters of the county in a number equal to not less than ten per centum of the votes cast in said county at the last preceding gubernatorial election, enter an order requiring the judges of election of said county at the next general election to be held in said county not less than sixty days from the date of the petition to open a poll and take the sense of the qualified voters of the county on the question whether Arlington County shall be incorporated as a city of the first class.

Notice of the holding of such election shall be given by the posting by the sheriff of Arlington County of one or more copies of a notice in such form as may be prescribed by the judge of the circuit court of Arlington County, at each and every polling place in the county not less than fifteen days prior to the date stated in said order of the circuit court, or the judge thereof in vacation, directing said election to be held. The ballots for use at such election shall be provided and distributed by the electoral board of the county to the judges of election in the several voting districts of the county, within the time and in the manner prescribed by law, and on the day fixed by the order so made by the court, or judge, for the holding of said election, the regular election officers of the county shall open a poll and take the sense of the qualified voters of the county on the question herein mentioned. Such election shall be held and conducted in the manner prescribed by law for other elections, provided, however, that the ballots for use at such election shall be printed to read as follows:

Question: Shall Arlington County be incorporated as a city of the first class?

☐ For incorporation.
☐ Against incorporation.

The ballots shall be counted and returns made and canvassed as in other elections, and the results certified by the commissioners of election to the clerk of the court, or the court or judge calling such election.

If it appears by the report of the commissioners of the election that a majority of the voters of the county voting on the question are in favor of the incorporation of said county as a body politic and corporate, the county clerk shall certify that fact to the circuit court or the judge thereof, whereupon the court, or the judge thereof in vacation, shall enter of record an order directing that the government and corporate existence of Arlington County shall cease and determine at the beginning of the second day of the next calendar year thereafter, at which moment the city of Arlington shall become a legal entity, and the new city charter and city government provided by this Act shall become effective.

If the people of Arlington County vote against incorporation, other subsequent elections may be called and held on the same questions and in the same manner as herein provided for the first election, except that no election shall be held within one calendar year of the last preceding election on the same question.

2. Chapter 464, Acts of Assembly of 1942, approved April 6, 1942 and Chapter 367, Acts of Assembly 1946, approved March 28, 1946, relating to the incorporation of Arlington County as a city of the first class, are repealed.

3. An emergency exists and this act is in force from its passage.

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CHAPTER 482

An Act to amend and reenact § 17-41, as amended, of the Code of Virginia, relating to when clerk's office to be kept open.

[H 283]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 17-41, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 17-41. The clerk's office of every court shall be kept open on every day, except Sunday, the Fourth of July, Thanksgiving Day and Christmas Day, during convenient hours, for the transaction of business; provided that:

(1) In cities it may be closed on New Year's Day, Memorial Day, Labor Day and Veterans Day, and the judge of the circuit court of any county may authorize the clerk to close the office on any such day or days;

(2) The judge of any circuit or corporation court may authorize the clerk to close the office on Saturday at twelve o'clock noon;

(3) In cities having a population of one hundred forty thousand or more, and in cities having a population of not less than sixty thousand nor more than ninety thousand, the clerk's office of any court may be closed on all days which are made legal holidays under the provisions of § 2-19;

(4) The judge of the circuit court of any county adjoining a city within or without the territorial limits of the Commonwealth of Virginia having a population of one hundred forty thousand or more, may authorize the clerk to close the office on all days which are made legal holidays under the provisions of § 2-19;

(5) The judge of the circuit court of any county having a population of more than one thousand per square mile according to the last preceding United States census, or the judge of any circuit, hustings or corporation court of any city or county adjoining any such county, or any of them, may authorize the clerk to close the office on Saturday;

(6) In cities having a population of one hundred thousand or more and in counties adjoining said cities, and, in cities having a population of more than eighty thousand but less than one hundred thousand, and, in cities having a population of more than thirty-eight thousand but less than forty thousand, the clerk's office of any court of record may be closed on Saturday when authorized by the judge of the court;

(6 a) The judge of the circuit court of any county having a population of more than twenty-seven thousand, seven hundred but less than twenty-eight thousand, eight hundred, may authorize the clerk to close the office on Saturday, provided the governing body of such county approves such action as evidenced by a resolution adopted by such governing body and filed in the office of such clerk.

(7) In cities having a population of more than thirty thousand but less than thirty-five thousand and sixty according to the last decennial census, the clerk's office of any court of record may be closed on Saturday, when authorized by the judge of the court and the governing body of the city; and

(8) In counties having a population of more than thirty-three thousand five hundred, but less than thirty-four thousand, the clerk may close the office on Saturday at twelve o'clock, noon.

(9) Except as otherwise provided herein, the clerk's office of any court of record in any city or county may be closed on Saturday if so authorized by the judge of such court and the governing body of such city.

(10) In counties having a population of more than 21,175 and less than 21,300, the clerk's office may be closed on Saturday if so authorized by the judge of the circuit court and governing body of such county.

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(11) In counties having a population of more than 6,200 and less than 6,250 and in counties having a population of more than 19,600 and less than 19,700, the clerk's office of the court of record may be closed on Saturday if so authorized by the judge of such court and the governing body of such county.

(12) In counties having a population of more than twenty-one thousand and less than twenty-one thousand one hundred and fifty, the clerk's office may be closed on Saturday if so authorized by the judge of the circuit court and governing body of such county.

(13) In counties having a population of more than twenty-four thousand five hundred and sixty and less than twenty-six thousand five hundred and twenty-two, the clerk's office may be closed on Saturday if so authorized by the judge of the circuit court and governing body of such county.

(14) The clerk's office of the circuit court of any county having a population of more than twenty-one thousand five hundred but less than twenty-two thousand five hundred may be closed on any day which is established as a general holiday for the employees of such county by a resolution duly adopted by the governing body of such county and approved by the judge of the circuit court and filed in the office of such clerk.

(15) In any county having a population of more than eighteen thousand, eight hundred but less than eighteen thousand, nine hundred and which county is adjacent to a city having a hustings court, the clerk's office may be closed on Saturday, if so authorized by the judge of the circuit court and by resolution of the governing body of such county.

Whenever the authorization of the judge is necessary to close a clerk's office and a clerk is the clerk of more than one court, or a court has more than one judge, the authorization of all such judges shall be necessary.

The judge of the circuit court of any county may require the clerk's office to be kept open continuously for the transaction of business during convenient hours on all the days on which it is herein required to be kept open.

CHAPTER 483

An Act to amend and reenact § 15-220, as amended, of the Code of Virginia, relating to consolidation of certain counties, cities and towns so as to make such section applicable to all adjoining or adjacent counties, cities and towns.

[H 288]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-220, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-220. By complying with the requirements and procedure hereinafter specified in this article, any one or more *adjoining or adjacent* counties * or any one or more *adjoining or adjacent* cities or towns, or any of such counties, cities or towns where such counties, cities or towns, as the case may be * adjoin or are adjacent to * *each other* may consolidate * into a single *county or* city, or into a single city and one or more counties, and the remaining portions of such counties not so consolidated with such city may be consolidated with each other or with adjoining or adjacent counties into one or more counties, or any such counties and cities may be consolidated into a single county or more than one county.

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CHAPTER 484

An Act to amend and reenact § 64-126 of the Code of Virginia, relating to appointing appraisers of certain estates, providing certain duties and requiring the personal representatives in certain cases to file an inventory of the estate.

[H 297]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 64-126 of the Code of Virginia be amended and reenacted as follows:

§ 64-126. *Where the estate exceeds the value of one thousand dollars,* every court or clerk by whose order any person is authorized to act as a personal representative shall, except when a testator directs his estate not to be appraised or though he so directs, if the court or clerk deem it proper, appoint three or more appraisers in every county or corporation in which there may be any goods or chattels of the deceased or, in case of a will, in which there may be any real estate which the personal representative is authorized to sell or of which he is authorized to receive the rents and profits. After taking an oath for the purpose they shall appraise such goods or chattels as may be produced to them and also such real estate. The appraisers shall receive reasonable compensation for their services, the amount thereof to be subject to the approval of the commissioner of accounts. The appraisement shall be signed by them and returned to the commissioner of accounts of such court, who shall inspect the same, see that it is in proper form and, within ten days after it is received and approved by him, deliver it to the clerk of such court, who shall record the same with the certificate of approval. The date of return of an appraisement shall be entered by the commissioner in his record book. Every such appraisement shall be prima facie evidence of the value of the estate embraced therein and that it came to the hands of the personal representative.

CHAPTER 485

An Act to amend the Code of Virginia by adding a section numbered 14-155.13, to provide an increase in the maximum compensation for clerks of courts of record.

[H 298]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 14-155.13 as follows:

§ 14-155.13. Notwithstanding any other provisions contained in this article, the maximum compensation authorized for the clerks of courts of record is hereby increased by ten per centum. Nothing herein shall be construed to alter or affect in any manner increases heretofore provided.

This section shall apply notwithstanding the provisions of any other law which places any such clerk on a salary basis.

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CHAPTER 486

An Act to amend and reenact § 51-114.2 of the Code of Virginia, providing for partial reimbursement by the State to certain counties and cities of funds contributed by such counties and cities to local retirement systems for the benefit of certain officials and employees, and to appropriate funds.

[H 299]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 51-114.2 of the Code of Virginia be amended and reenacted as follows:

§ 51-114.2. Any county or city which has established prior to January one, nineteen hundred fifty * *nine,* and is operating a local retirement system, which does not participate in the Virginia Supplemental Retirement System under Article 4 of Chapter 3.2 of Title 51 of the Code of Virginia, and which defines as "compensation" the full compensation payable or fees earnable by its county and city treasurer, attorney for the Commonwealth, commissioner of the revenue, clerk of court, sheriff, sergeant, and a deputy or employee of any such officer, may be reimbursed for a portion of the employer contribution on account of any such officer, deputy or employee as provided in this section; provided that at least once in every two years such political subdivision submits to the Board information required by the actuary of the Board for computing, at the expense of the employing political subdivision, the rate of the employer contribution payable on account of any such officer, deputy, or employee as if such officer, deputy or employee were covered under Article 4 of this chapter, and such political subdivision shall be reimbursed by the Board on the basis on which the State pays the salaries of such officer, deputy or employee or shares or would share in the excess fees from the office.

2. For the purposes of this act, there is hereby appropriated a sum sufficient from the general fund of the State treasury.

3. An emergency exists and this act is in force from its passage.

CHAPTER 487

An Act to amend and reenact § 15-555, as amended, of the Code of Virginia, relating to allowances by local governing bodies to injured officials and employees and dependents thereof.

[H 301]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-555, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-555. The governing body of any county, city or town is authorized in its discretion to make allowances by appropriation of funds, payable in monthly or semimonthly installments, for the relief of any of its officials, employees, policemen, firemen, sheriffs or deputy sheriffs, town and city sergeants and town and city deputy sergeants, or their dependents, who suffer injury or death as defined in Title 65, whether such injury was suffered or death occurs before or after June twenty-ninth, nineteen hundred forty-eight. The allowance shall not exceed the salary or wage being paid such official, employee, policeman, fireman, sheriff or deputy

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sheriff, town and city sergeants and town and city deputy sergeants, at the time of such injury or death, and the payment of the allowance shall not extend beyond the period of disability resulting from such injury; *provided, that the governing body of a county having a population of more than ninety-nine thousand but less than one hundred thousand and being contiguous to three cities of the first class may provide that the allowance being paid any such person who dies while entitled to receive the same may be continued to be paid the widow of such person.* In case death results from the injury, the allowance may be made for the dependents as defined in Title 65. In counties, cities and towns which have established retirement or pension systems for injured, retired or superannuated officials, employees, members of police or fire departments, sheriffs, deputy sheriffs, town and city sergeants and town and city deputy sergeants, or for the dependents of those killed in line of duty, the agencies provided for the administration of such systems shall determine the existence of such injury or cause of death before any appropriation to pay such allowance is made and shall determine the extent of and period of disability resulting from such injury and the cause in case of death. All sums paid to any such official, employee, policeman, fireman, sheriff or deputy sheriff, town and city sergeants and town and city deputy sergeants, as compensation under Title 65 and all sums paid to the dependents of such official, employee, policeman, fireman, sheriff or deputy sheriff, town or city sergeant and town or city deputy sergeant, if he is killed, and all sums paid under any retirement or pension system shall be deducted from the allowance made under this section in such installments as the agency determines. If the agency determines that any official, employee, policeman, fireman, sheriff or deputy sheriff, town or city sergeant and town or city deputy sergeant, who suffered injury in the line of duty is engaged or is able to engage in a gainful occupation, then the allowance shall be reduced by the agency to an amount which, together with the amount earnable by him, equals the allowance. Should the earning capacity of the official, employee, policeman, fireman, sheriff or deputy sheriff, town or city sergeant and town or city deputy sergeant, be later changed, such allowance may be further modified, up or down, provided the new allowance shall not exceed the amount of the allowance originally made nor an amount which, when added to the amount earnable by him, exceeds such allowance.

CHAPTER 488

An Act to amend and reenact § 24-150 of the Code of Virginia, relating to discharge of the duties of the office of Governor in the event of a vacancy therein.

[H 304]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 24-150 of the Code of Virginia be amended and reenacted as follows:

§ 24-150. When vacancies occur in the offices of Governor and Lieutenant Governor, the duties of the office of Governor shall be discharged by *the Attorney General, if elected by the people, or if the Attorney General holds office by appointment, or be ineligible, then by the Speaker of the House of Delegates, or if the office of Speaker of the House of Delegates be vacant or the Speaker be ineligible, then by* the President pro tempore of the Senate, or if the Senate be not in session, then by the person who was President pro tempore at the close of the last preceding

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session, * until a Governor is elected and qualified. *In the event of vacancies in all of the offices mentioned in the preceding sentence, the office of acting Governor shall devolve upon the chairmen of the standing committees of the House of Delegates and the Senate, alternating between the House and the Senate, in the order of seniority as set forth in Rule 16 of the Rules of the House and Rule 16 of the Rules of the Senate, or if all such offices be vacant, then the living persons who have held the office of Governor, who are at the time of such vacancy physically and mentally able to discharge the duties of the office, and who are not prohibited by law from holding a State office; the office of acting Governor shall be filled from such group in inverse order as they held the office of Governor; and in the event there is no such person, then the Chief Justice of the Supreme Court of Appeals, or if there be none, the judge longest in continuous service as judge of a court of record in the Commonwealth, shall become acting Governor.* While so discharging the duties of the office of Governor, such person shall not act as President pro tempore of the Senate, or as Speaker of the House of Delegates, as the case may be, nor vote as a member thereof, *nor act as Attorney General or as a member of the House of Delegates or the Senate, or justice or judge of a court or record,* but his office shall not be vacated except for the period during which he acts as Governor.

CHAPTER 489

An Act to provide for the submission of proposed amendments to Secs. 110, 118, 119 and 120 of the Constitution of Virginia to the qualified voters for ratification or rejection, and to prescribe when and how such referendum shall be had, and the manner in which the results thereof shall be ascertained and certified, the returns canvassed, and the vote thereon proclaimed by the Governor.

[H 306]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November, nineteen hundred sixty, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendments to the Constitution of Virginia, contained in the joint resolution proposing the said amendments to the Constitution of Virginia, and directing a submission of said proposed amendments to the people for their approval and ratification, to wit:

Strike from the Constitution of Virginia Sec. 110, which is as follows:

Sec. 110. County officers, number, terms and compensation; county organization.—There shall be elected by the qualified voters of each county a treasurer, a sheriff, an attorney for the Commonwealth, and a county clerk, who shall be the clerk of the circuit court; and there shall also be elected by the qualified voters of each county one commissioner of the revenue.

The duties and compensation of such officers shall be prescribed by general law.

There shall be appointed for each county, in such manner as may be provided by law, one county surveyor.

The General Assembly may provide for the election or appointment of a superintendent of the poor, other ministerial and executive officers for each county, and for the election or appointment of such officers for two or more counties conjointly. The provisions for such conjointly elected or

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appointed officers shall apply only to such counties as may adopt the same by a majority vote of the qualified voters of each of such counties voting in any election held for such purpose.

The General Assembly may provide for the consolidation by two or more counties, or by one or more counties with one or more cities, of their charitable and penal institutions. But such consolidation shall apply only to such counties and cities as may authorize the same, in such manner as has heretofore been, or may hereafter be, prescribed by law.

Notwithstanding the provisions of this article, the General Assembly may, by general law, provide for complete forms of county organization and government different from that provided for in this article, to become effective in any county when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon.

And insert in lieu thereof the following:

Sec. 110. There shall be elected by the qualified voters of each county a treasurer, a sheriff, an attorney for the Commonwealth, and a county clerk, who shall be the clerk of the circuit court; and there shall also be elected by the qualified voters of each county one commissioner of the revenue; provided, if a majority of the qualified voters of each political subdivision affected so decide, in an election held for the purpose, any or all of such officers may be elected by the qualified voters of, and serve as such officer for, two or more counties, or counties and cities.

The duties and compensation of such officers shall be prescribed by general law.

There shall be appointed for each county, in such manner as may be provided by law, one county surveyor.

The General Assembly may provide for the election or appointment of a superintendent of the poor, other ministerial and executive officers for each county, and for the election or appointment of such officers for two or more counties or counties and cities conjointly. The provisions for such conjointly elected or appointed officers shall apply only to such counties as may adopt the same in the manner as shall be determined by the General Assembly.

The General Assembly may provide for the consolidation by two or more counties, or by one or more counties with one or more cities, of their charitable and penal institutions. But such consolidation shall apply only to such counties and cities as may authorize the same, in such manner as has heretofore been, or may hereafter be, prescribed by law.

Notwithstanding the provisions of this article, the General Assembly may, by general law, provide for complete forms of county organization and government different from that provided for in this article, to become effective in any county when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon.

Strike from the Constitution of Virginia Sec. 118, which is as follows:

Sec. 118. Clerks of city courts, elections, duties and number; only one in city of less than thirty thousand inhabitants. In each city which has a court in the office of which deeds are admitted to record, there shall be elected, for a term of eight years, by the qualified voters of such city, a clerk of said court, who shall perform such duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. In a city of less than thirty thousand inhabitants there shall be not more than one clerk of the court, who shall be clerk of all the courts of record in such city.

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And insert in lieu thereof the following:

Sec. 118. In each city which has a court in the office of which deeds are admitted to record, there shall be elected, for a term of eight years, by the qualified voters of such city, a clerk of said court, who shall perform such duties as may be required by law; provided, if a majority of the qualified voters of the political subdivision affected so decide, in an election held for the purpose, such clerk may be elected by the qualified voters of, and serve as such clerk for, two or more cities, or cities and counties.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. In a city of less than thirty thousand inhabitants there shall be not more than one clerk of the court, who shall be clerk of all the courts of record in such city.

Strike from the Constitution of Virginia Sec. 119, which is as follows:

Sec. 119. Commonwealth's attorney in cities; commissioner of revenue in cities.—In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected, for a term of four years, by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

In every city there shall be elected one commissioner of the revenue for a term of four years.

The duties and compensation of such officers shall be prescribed by law.

And insert in lieu thereof the following:

Sec. 119. In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected, for a term of four years, by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

In every city there shall be elected one commissioner of the revenue for a term of four years.

If a majority of the voters of the political subdivision affected so decide, in an election held for the purpose, either or both of such officers may be elected by the qualified voters of, and serve as such officer for, two or more cities, or cities and counties.

The duties and compensation of such officers shall be prescribed by law.

Strike from the Constitution of Virginia Sec. 120, which is as follows:

Sec. 120. City officers, their titles, election, powers and duties.—In every city there shall be elected, by the qualified voters thereof, one city treasurer, for a term of four years; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and a mayor for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities or towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers, and the members of the police and fire departments, and to remove such officers, and also such members of said departments, when authorized by the

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General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard de novo by the judge thereof, whose decision shall be final. He shall have all the other powers and duties which may be conferred and imposed upon him by general laws.

And insert in lieu thereof the following:

Sec. 120. In every city there shall be elected, by the qualified voters thereof, one city treasurer, for a term of four years; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and a mayor for a term of four years, who shall be the chief executive officer of such city; provided, if a majority of the qualified voters of the political subdivision affected so decide, in an election held for the purpose, such treasurer or sergeant or both may be elected by the qualified voters of, and serve as such treasurer or sergeant for, two or more cities, or cities and counties. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities or towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers, and the members of the police and fire departments, and to remove such officers, and also such members of said departments, when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard de novo by the judge thereof, whose decision shall be final. He shall have all the other powers and duties which may be conferred and imposed upon him by general laws.

SCHEDULE

At such election a ballot shall be furnished each voter which shall have printed thereon the following:

Question: Shall sections one hundred ten, one hundred eighteen, one hundred nineteen and one hundred twenty of the Constitution of Virginia be amended so as to permit certain elected officials of one county or one city to serve as such officials in two or more counties, two or more cities or cities and counties, if a majority of the qualified voters of the political subdivision affected so decide, in an election held for the purpose.

☐ For

☐ Against

The ballot shall be prepared, distributed and voted, and the results thereof ascertained and certified, in the manner prescribed by § 24-141 of the Code of Virginia. It shall be the duty of the clerks and commissioners of election of each county and city, respectively, to make out, certify and

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forward an abstract of the votes cast for and against said proposed amendments in the manner now prescribed by law in relation to votes cast in general elections.

It shall be the duty of the State Board of Elections to open and canvass the said abstracts of returns, and to examine and make statement of the whole number of votes given at said election for said proposed amendments and against said proposed amendments, respectively, in the manner now prescribed by law in relation to votes cast in general elections; and it shall be the duty of the State Board of Elections to record said certified statement in its office, and without delay to make out and transmit to the Governor of the Commonwealth an official copy of said statement, certified by it.

The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against said amendments, to be published in such newspapers in the State as may be deemed requisite for general information; and if a majority of said votes be cast for the ratification of the amendments, he shall annex to his proclamation a copy thereof. The State Board of Elections shall cause to be sent to the clerks of each county and corporation, at least thirty days before the election, as many copies of this act as there are places of voting herein; and it shall be the duty of such clerks to forthwith deliver the same to the sheriffs or sergeants of their respective counties and cities for distribution. Each such sheriff or sergeant shall forthwith post a copy of such act at some public place in each election district at or near the usual voting place in the said district.

The expenses incurred in conducting this election shall be defrayed as in the case of the election of members of the General Assembly.

CHAPTER 490

An Act to amend the Code of Virginia by adding a section numbered 36-19.4, requiring that a referendum be held prior to the making of cooperation agreements for certain public housing projects by housing authorities in certain cities.

[H 310]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 36-19.4 as follows:

§ 36-19.4. Notwithstanding the provisions of § 36-19, no authority heretofore or hereafter permitted to transact business and exercise powers as provided in § 36-4 shall, in any city containing a population in excess of seventy thousand but not in excess of ninety thousand, make any cooperation agreement with the governing body of such city for any public housing project not authorized or approved by the governing body of the city on or before July one, nineteen hundred sixty, unless or until the execution of the cooperation agreement for such public housing project shall have been approved by a majority of the qualified voters of the city voting in an election called by the governing body of the city for the purpose. The procedure for such election shall conform to general law. The provisions of this section shall not affect or impair the provisions of § 36-19.1 of the Code, nor shall they apply to such low rent public housing units determined by the governing body of such city as necessary for the satisfactory relocation of families to be displaced by such city's Urban Renewal Program.

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CHAPTER 491

An Act to amend the Code of Virginia by adding thereto §§ 33-57.2 33-59.1, 33-60.1, 33-60.2, 33-60.3, 33-62.1, 33-63.1, 33-65.1, 33-67.1, and 33-67.2; to amend and reenact §§ 33-58, 33-59, 33-64 as amended, 33-65 and 33-67, relating to the exercise of the power of eminent domain by the State Highway Commissioner; to repeal §§ 33-60, 33-62, and 33-63, relating to the same subject; and to provide that certain municipal corporations may exercise the power of condemnation in accordance with the procedure herein provided.

[H 324]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto §§ 33-57.2, 33-59.1, 33-60.1, 33-60.2, 33-60.3, 33-62.1, 33-63.1, 33-65.1, 33-67.1 and 33-67.2, and that §§ 33-58, 33-59, 33-64 as amended, 33-65 and 33-67 be amended and reenacted, as follows:

§ *33-57.2. The State Highway Commissioner, through his duly authorized officers, agents, or servants, may enter upon any land in the Commonwealth for the purposes of making examination and survey thereof, with a view to ascertainment of its suitability for highway purposes, or for any other purpose incidental thereto. Such officers, agents, or servants shall exercise care to protect any improvements, growing crops, or timber in making such examination or survey.*

In the event that the Commissioner and any landowner affected cannot agree as to the amount of damage, if any, sustained by reason of the entry upon land for the purposes herein stated, the Commissioner shall institute condemnation proceedings, as hereinafter provided in this chapter, for the purpose of determining the amount of such damage, if any.

§ 33-58. Whenever any public utility company owns any land or any easement, right of way or other interest in land which the Commissioner deems necessary and intends to acquire for any highway project and such land, easement, right of way or other interest in land owned by the public utility company is devoted to a public use, the Commissioner may acquire by gift, purchase or by the exercise of the power of eminent domain additional land or * easement, right of way or interest in land adjacent to or approximately adjacent to such land needed and proposed to be acquired for such highway project and may then convey the same to the public utility company for use by it in lieu of the land, easement, right of way or other interest in land theretofore owned by it but needed by the Commissioner for such highway project. The condemnation of such land, easement, rights of way or other interest in land to be conveyed to any public utility company shall be governed by the procedure prescribed by this article and may be carried out at the same time if against the same property owner and if against the same landowner or in the same proceedings in which land is condemned for highway purposes. The Commissioner may, under the same procedure and conditions prescribed by this article, with respect to property needed for highway purposes, enter upon and take possession of such property to be conveyed to any public utility company * *in the manner provided in §§ 33-70.1 through 33-70.11 of the Code,* and proceed with the relocation of the installations of the public utility company in order that the construction of the highway project may be carried out without delay.

After the acquisition of the land, easement, right of way, or other interest in land of public utility companies, and the acquisition of the additional land, easement, right of way or other interest in land for such utility companies as hereinabove provided for, in the event the poles, lines or

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other facilities are not removed by such utility companies within sixty days from the date of the taking by the Commissioner, the Commissioner is hereby vested with the power to remove and relocate such facilities at his own cost.

§ 33-59. Proceedings for condemnation under this article shall be instituted and conducted in the name of the State Highway Commissioner and the procedure shall * *be in accordance with the provisions of this article.*

§ 33-59.1. No proceedings shall be taken to condemn land or other property, nor any interest therein, until a bona fide but ineffectual effort has been made to acquire the same from the owner or owners thereof by purchase, except where consent cannot be obtained because of the incapacity of one or more owners, or one or more of them will not or cannot convey legal title or because such owner, or owners, be unknown or cannot with reasonable diligence be found within this State.

§ 33-60.1. The proceedings for such condemnation shall be by petition for the appointment of commissioners to the circuit court of the county, or the court of any city which is vested with jurisdiction of eminent domain proceedings, in which the land, property and rights, or the major portion thereof sought to be acquired is located, or to the judge of such court in vacation. The petition shall set forth with reasonable particularity a description and designation of the interests, rights and property intended to be taken, the name or names of the owners whose property is to be taken or affected, and such other facts, if any, as may be deemed necessary by the Commissioner to give full information to the court and all persons in interest and shall be certified by oath of the Commissioner or by his duly authorized agent or attorney.

§ 33-60.2. There shall be filed with such petition a plat of the project plan, with a profile showing the cuts and fills, together with the grade of the proposed highway.

§ 33-60.3. Upon or after the filing of the petition as provided for hereinabove, the Commissioner shall give twenty-one days notice to the owner or owners or the tenant or tenants of his intention to apply to the court for the appointment of commissioners to ascertain what will be a just compensation for the land or for the interest or estate therein, proposed to be condemned and to award damages, if any, resulting to the adjacent or remaining property of the owner by reason of the taking. The Commissioner may, in his notice provided for herein, also give notice that grounds of defense shall be filed, if the Commissioner be of the opinion that grounds of defense are necessary or desirable.

Such notice shall be served on the owner or owners or the tenant or tenants of the freehold.

§ 33-62.1. Within twenty-one days from the service of the notice provided for in § 33-60.3 the owner or owners may file, or if notified so to do by the Commissioner as hereinabove provided, shall file, in writing, grounds of defense, such grounds of defense to include valuations of the land and interest to be taken and appraisal of any damages which may result to the residue by reason of the taking.

Should the owner fail to file such grounds of defense as hereinabove provided, such failure shall not preclude the owner from appearing on the date set for the appointment of commissioners nor from presenting evidence as to valuation and damage and to otherwise protect his rights, but such failure shall preclude such owner from any other defense by way of pleas in bar, abatement, or otherwise. Provided, however, for good cause shown, the time for filing such grounds of defense may be extended by the court.

§ 33-63.1. Upon or after the expiration of twenty-one days from the return date of the notice for appointment of commissioners as provided

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for in § 33-60.3, the court or the judge thereof in vacation, shall, upon motion of the Commissioner or the owner summon nine disinterested freeholders, or five disinterested freeholders if the parties so agree, who shall be residents of the county or city wherein the land or the greater portion thereof to be condemned is situate. If nine are summoned, the Commissioner and the landowner shall each have two peremptory challenges and the remaining five, or the original five if only five are summoned, shall be appointed, any three or more of whom may act, and shall fix the value of the land taken and damages, if any, which may accrue to the residue, beyond the enhancement in value, if any, to such residue, by reason of the taking. Before executing their duties, the commissioners shall take an oath before some officer authorized by the laws of this State to administer an oath, that they will faithfully and impartially ascertain what will be the value of the land taken, and the damages, if any, which may accrue to the residue, beyond the enhancement in value, if any, to such residue, by reason of the taking.

§ 33-64. Upon the selection of the commissioners, the court, or the judge thereof in vacation, shall direct them, in the custody of the sheriff or one of his deputies, to view the land described in the petition with the landowner and the State Highway Commissioner, or any representative of either party, and none other, unless otherwise directed by the court; and, upon motion of either party, the judge shall accompany the commissioners upon their view of the land. Upon completion of the view, the court or the judge in vacation shall hear the testimony in open court on the issues joined. When the commissioners shall have arrived at their conclusion they shall make their report in writing to the court, or to the judge thereof in vacation. The report may be confirmed or set aside forthwith by the court, or the judge, as the case may be, provided that when the report is so filed and before the court or judge passes thereon, either party shall have the right * to file written exceptions to the report, which shall be filed not later than ten days after the rendering of the report by the commissioners. The court or the judge, as the case may be, shall have the same power over the commissioners' reports as it now has over verdicts of juries in civil actions.

*

Upon hearing of exceptions to the commissioners' report the court, or the judge in vacation, shall not recall and question the commissioners as to the manner in which their report was determined unless there be an allegation in such written exceptions that fraud, collusion, corruption or improper conduct entered into the report. If such allegation is made the judge shall summon the commissioners to appear and he alone shall question them concerning their actions. If the court be satisfied that fraud, collusion, corruption or improper conduct entered into the report of the commissioners, the report shall be set aside and new commissioners appointed to rehear the case.

If the court be satisfied that no such fraud, collusion, corruption or improper conduct entered into the report of commissioners, or no other cause exists which would justify setting aside or modifying a jury verdict in civil actions, the report shall be confirmed.

§ 33-65. All costs of the proceedings in the trial court under this article *which are fixed by statute shall be taxed as any other suit in equity and* shall be borne by the * *Commissioner. The court may in its discretion tax as a cost a fee for a survey for the owner, such fee not to exceed fifty dollars.*

§ *33-65.1. The commissioners appointed shall, for every day or portion thereof they may be employed in the performance of their duties, receive compensation in an amount to be fixed by the court at not more than twenty dollars per diem, regardless of the number of cases heard on*

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any particular day, to be paid by the State Highway Commissioner. The persons summoned who appear, but are not appointed to serve as commissioners, shall be paid an amount to be fixed by the court not to exceed five dollars for each day they are summoned to appear.

§ 33-67. Upon the return of the report of the commissioners * appointed in such proceedings and the confirmation, alteration or modification thereof in the manner provided in this article, the sum so ascertained by the court as compensation and damages, if any, to the property owners may be paid * into court or to the clerk thereof, upon which title to the property and rights condemned shall vest in the Commonwealth of Virginia in fee simple, or to such extent as may be prayed for in the petition, *unless such title shall have vested in the Commonwealth pursuant to the provisions of §§ 33-70.1 through 33-70.11 of the Code,* and the Commissioner or his agent shall have the right to enter upon the construction upon, or use of, the property and rights condemned as may be authorized by the report.

§ 33-67.1. The clerk of the court wherein condemnation is had, shall make and certify a copy of so much of the orders, judgments and proceedings in the case as shall show such condemnation, including therein a plat and description of the land, or the estate or interest in the land, condemned, and shall record the same in his deed book; provided, that such plat may be recorded in the State Highway Plat Book in the clerk's office, unless such plat be already of record; in either case the same shall be indexed in the names of the parties. In the event any portion of the land lies in two or more counties or cities, the clerk shall certify a copy of the proceedings above mentioned to the clerk of the court of each county or city and such clerks shall record and index the same as above provided. The fees of the clerk for recording shall be the same as for recording a deed, and such fees shall be paid by the Commissioner.

§ 33-67.2. Upon the award being paid into court or to the clerk thereof, and the court being satisfied that the persons having an interest therein are before the court, the court shall make such distribution of such money as to it may seem proper, having due regard to the interest of all persons therein, and in what proportions such money is properly payable.

If it shall appear that the petition for the appointment of commissioners states the person or persons or classes of persons, who, in the opinion of the Commissioner, are vested with the superior right or claim of title in the land or estate or interest therein condemned, or in the proceeds of the award of commissioners, and that the record does not disclose any denial or dispute, by any person or party in interest, of such statement in the petition, the court may direct that the fund, after the payment therefrom of any taxes, be disbursed and distributed in accordance with the statement in the petition, among the persons entitled thereto; except that with respect to any persons appearing to be infants, insane or under any other legal disability, the court may inquire into their rights or claims, independent of any statement in the petition, and any order for distribution shall conserve and protect the right of such parties in and to the fund. The cost of a commissioner in chancery appointed by the court to assist in making the proper distribution in cases of legal disability as herein set forth may be taxed as a cost of the proceeding, to be paid by the State Highway Commissioner.

If it shall appear to the court that there exists a controversy among claimants to the fund, or to the ownership of the land subject to the condemnation, the court shall enter an order setting a time for hearing the case and determining the rights and claims of all persons entitled to the fund or to any interest or share therein. In order to enable the court in determining a proper disposition of the fund, the court may appoint a commissioner in chancery to take evidence of the conflicting claims. No costs incident to or arising out of a trial or a determination of such issues

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or out of a determination of the ownership of the fund or the distribution thereof shall be taxed against the State Highway Commissioner.

Upon a determination by the court of the rights and claims of the persons entitled to the fund, judgment shall be entered directing the disbursement among the persons entitled thereto. Any party believing himself aggrieved thereby may apply for writ of error as provided in § 33-66 of the Code.

2. That any municipal corporation having been granted the power to acquire land or any interest therein by condemnation proceedings in accordance with the procedure provided in §§ 33-59 through 33-70 of the Code may exercise such power in accordance with the procedure set forth hereinabove.

3. That §§ 33-60, 33-62 and 33-63 are repealed.

CHAPTER 492

An Act to repeal § 58-17 of the Code of Virginia, authorizing certain counties to provide certain exemptions from local taxation.

[H 326]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-17 of the Code of Virginia is repealed.

CHAPTER 493

An Act to provide for dismissal of dual misdemeanor charges upon conviction of any one such charge.

[H 332]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Whenever any person is charged with a violation of § 18-75 or any similar ordinance of any county, city, or town and reckless driving growing out of the same act or acts and is convicted of one of these charges, the court shall dismiss the remaining charge.

CHAPTER 494

An Act to encourage, foster and facilitate the industrial and economic development of the Commonwealth by promoting the education at institutions of higher learning of residents of this State; and to this end to create a political subdivision of the Commonwealth to be known as the State Education Assistance Authority and to define its powers and duties; to grant powers to the Authority to further the objectives of the act; to provide that no debt of the Commonwealth or of any political subdivision other than the Authority created by this act shall be incurred by the acts and undertakings of the Authority; to authorize all agencies, officers and employees of the Commonwealth and of its political subdivisions to cooperate with and contribute property to the

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Authority; to appropriate funds to the Authority; and to provide for matters in connection with the foregoing.

[H 337]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Definitions—As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "Authority" shall mean The State Education Assistance Authority created by this act, or if the Authority shall be abolished, the board, body, commission or agency succeeding to the principal functions thereof or on whom the powers given by this act to the Authority shall be conferred by law.

(b) The word "obligations" shall mean those evidences of debt which the Authority may buy, sell, endorse or guarantee under the provisions of this act.

(c) The words "act" or "undertaking" shall mean the official act of the Authority in connection with the acquisition or disposition of all or any part of obligations or interest therein which the Authority is authorized to buy or sell under § 2 of this act.

§ 2. In order to facilitate the college education of residents of this State and promote the industrial and economic development of the Commonwealth, The State Education Assistance Authority (hereinafter created) is hereby authorized and empowered to buy and sell obligations of students at State-supported institutions of higher education representing loans made to such students for the purpose of obtaining an education.

No act or undertaking of the Authority shall be deemed to constitute a debt of the Commonwealth or of any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or of any such political subdivision, but shall be payable solely from the funds of the Authority. All such acts and undertakings shall contain on the face thereof a statement to the effect that neither the Commonwealth nor the Authority shall be obligated to pay the same or the interest thereon except from revenues of the Authority and that neither the faith and credit nor the taxing power of the Commonwealth or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such acts and undertakings.

All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the provisions of this act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the provisions of this act.

§ 3. There is hereby created and constituted a political subdivision of the Commonwealth to be known as "The State Education Assistance Authority". The exercise by the Authority of the powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

The Authority shall be governed by a board of directors consisting of seven members, each of whom shall be appointed by the Governor. Two of the first members of the board appointed by the Governor shall be appointed for terms of one year, two for terms of two years, two for terms of three years, and one for a term of four years from the date of their appointment; and thereafter the members of the board shall be appointed for terms of four years. Vacancies in the membership of the board shall be filled by appointment of the Governor for the unexpired portion of the term. Members of the board shall be subject to removal from office in like manner as are State, county, town and district officers under the provisions

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of §§ 15-500 to 15-503 of the Code of Virginia, provided that the Hustings Court of the City of Richmond shall have exclusive jurisdiction of all proceedings for such removal. Immediately after such appointment, the directors shall enter upon the performance of their duties. The board shall annually elect one of its members as chairman and another as vice-chairman, and shall also elect annually a secretary, or a secretary-treasurer, who may or may not be a member of the board. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the board. In the absence of both the chairman and vice-chairman, the board shall appoint a chairman pro tempore, who shall preside at such meetings. Four directors shall constitute a quorum for the transaction of the business of the Authority, and no vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The members of the board shall be entitled to reimbursement for their expenses incurred in attendance upon the meetings of the board or while otherwise engaged in the discharge of their duties. Each member of the board shall also be paid the sum of twenty-five dollars per day for each day or portion thereof during which he is engaged in the performance of his duties. Such expenses and compensation shall be paid out of the treasury of the Authority upon vouchers signed by the chairman of the board or by such other person or persons as may be designated by the board for the purpose.

§ 4. The Authority is hereby authorized and empowered:

(a) To fix and revise from time to time and charge and collect fees for its acts and undertakings;

(b) To establish rules and regulations concerning its acts and undertakings;

(c) To acquire, hold and dispose of personal property in the exercise of its powers and the performance of its duties;

(d) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

(e) To employ, in its discretion, consultants, attorneys, accountants, and financial experts, superintendents, managers and such other employees and agents as may be necessary in its judgment, and to fix their compensation to be payable from funds made available to the Authority by law;

(f) To receive and accept from any federal or private agency, corporation, association or person grants to be expended in accomplishing the objectives of the Authority, and to receive and accept from the Commonwealth, from any municipality, county or other political subdivision thereof and from any other source aid or contributions of either money, property, or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(g) To sue and to be sued; to have a seal and to alter the same at its pleasure; and to make and from time to time amend and repeal by-laws, rules and regulations not inconsistent with law to carry into effect the powers and purposes of the Authority;

(h) To do all other acts and things necessary or convenient to carry out the powers expressly granted in this act; provided, however, that nothing in this act shall be construed to empower the Authority to engage in the business of banking or insurance.

§ 5. (a) Title to any property acquired by the Authority shall be taken in the name of the Authority.

(b) The Commonwealth hereby consents, subject to the approval of the Governor, to the use of any other lands or property owned by the Commonwealth, which are deemed by the Authority to be necessary for its purposes.

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(c) The Authority may establish such offices in State-owned or rented structures as it deems appropriate for its purposes.

§ 6. With the funds available to the Authority, for purposes other than the payment of personnel and the lease or rental of offices or equipment, the Authority may acquire from any bank or other lending institution of this State a contingent interest not exceeding eighty per centum of any individual obligation; the total contingent interest of the Authority on all such obligations shall not exceed at any one time a sum equal to twelve and one-half times the total funds which the Authority can employ to acquire such contingent interests. When the Authority acquires any such contingent interest, it may require the payment to it of a portion of the interest payable upon any such obligation. In each such acquisition, the Authority shall provide that at such time as the obligation becomes delinquent, the bank or other lending institution shall notify the Authority forthwith and shall transfer forthwith to the Authority, by assignment or otherwise, an interest in such obligation equal to the contingent interest of the Authority therein. The bank or other lending institution and the Authority shall forthwith take such steps as may be necessary to recover the balance due upon any such obligation; any such recovery shall be apportioned between the Authority and the bank or other lending institution as their respective interests may appear.

§ 7. The Authority shall prescribe the terms, conditions and limitations upon which it will acquire a contingent or direct interest in any obligation and such terms, conditions and limitations shall include, but without limiting the generality hereof, the interest rate payable upon such obligations, the maturities thereof, the terms for payment of principal and interest, applicable life or other insurance which may be required in connection with any such obligation and who shall pay the premiums thereon, the safekeeping of assets pledged to secure any such undertaking, and any and all matters in connection with the foregoing as will protect the assets of the Authority.

§ 8. The provisions of this act shall be liberally construed to the end that its beneficial purposes may be effectuated.

§ 9. The appropriation made to the Authority under this act shall be used exclusively for the purpose of acquiring contingent or vested rights in obligations which it may acquire under this act.

§ 10. Each and every application and provision of this act is severable and if any provision or application hereof is held invalid by a court from which no appeal may be taken, the remaining provisions and applications of this act shall remain in full force and effect.

2. There is hereby appropriated to The State Education Assistance Authority from Item 358 of the Appropriation Act of nineteen hundred sixty for the second year of the biennium the sum of fifty thousand dollars. The State Treasurer shall transfer such sums upon his books to the credit of The State Education Assistance Authority to be available exclusively for the acquisition of contingent or direct interests in obligations which the Authority may acquire under this act.

CHAPTER 495

An Act for the relief of Norfolk General Hospital.

[H 346]

Approved March 31, 1960

Whereas, one Gordon S. Thompson was shot by a private night watch-

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man while in the act of committing burglary in the nighttime and fatally wounded; and

Whereas, the Norfolk General Hospital, a charitable institution, received Gordon S. Thompson as a patient, and the sum of two thousand six hundred sixty-three dollars and eighteen cents was expended by said hospital in a futile effort to save his life; and

Whereas, every effort on the part of the hospital, including a civil suit, has been unsuccessful in collecting the said two thousand six hundred sixty-three dollars and eighteen cents and as a result thereof, the assets of the hospital have been reduced accordingly; and

Whereas, it is proper that the Norfolk General Hospital be compensated for the loss which it has sustained; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. The State Treasurer is directed to pay to the Norfolk General Hospital for services rendered the Commonwealth of Virginia in connection with the hospitalization of Gordon S. Thompson, charged with the commission of a felony, the sum of two thousand six hundred sixty-three dollars and eighteen cents. Such payment shall be made upon the verified statement of said hospital, itemizing the nature of the services rendered and the charge made for such items, which shall be filed with the State Comptroller.

Any payments made under the provisions of this act shall be upon the warrant of the State Comptroller and shall be paid out of the appropriation for criminal charges.

CHAPTER 496

An Act to amend and reenact §§ 37-254, as amended, 37-259 and 37-260 of the Code of Virginia, relating generally to licensing and regulation by the State Hospital Board of certain private institutions for the care of mentally ill persons, alcoholics and drug addicts; and to amend the Code by adding thereto sections numbered 37-258.1, 37-258.2 and 37-258.3, so as to set forth grounds for revocation or suspension of licenses; to provide for appeal from such revocation or suspension or from refusal to grant license; to permit the Board to obtain injunctions against unlawful operation of such institutions and violations of regulations; and to increase the penalty for continuation of a violation.

[H 348]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 37-254, as amended, 37-259 and 37-260 of the Code of Virginia be amended and reenacted, and that the Code be amended by adding thereto sections numbered 37-258.1, 37-258.2 and 37-258.3, as follows:

§ 37-254. The State Hospital Board may annually license any suitable person to establish, *maintain and operate, or to have charge of any private institution, hospital or home for the care or treatment of mentally-ill, epileptic or mentally-deficient persons, or persons addicted to the intemperate use of narcotic drugs, alcohol or other stimulants*.

§ 37-258.1. (a) The Board is authorized to revoke or suspend any license issued hereunder, on any of the following grounds: (1) Violation of any provision of this chapter or of any applicable and valid rule or regulation made pursuant to such provisions; (2) permitting, aiding, or abetting the commission of any illegal act in such private institution, hospital or home; (3) conduct or practices detrimental to the welfare of any patient or inmate in such private institution, hospital or home.

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(b) Before any license issued under this chapter is so revoked or suspended, thirty days' written notice must be given the licensee of the date set for hearing of the complaint and he must be furnished with a copy of the complaint and shall be entitled to be represented by legal counsel at the hearing. The notice shall be given by the Board by registered mail.

(c) If a license is revoked as herein provided, a new application for license may be considered by the Board if, when, and after the conditions upon which revocation was based have been corrected and satisfactory evidence of this fact has been furnished. A new license may then be granted after proper inspection has been made and all provisions of this chapter and applicable rules and regulations made thereunder have been complied with and recommendation to such effect has been made by the Commissioner upon basis of an inspection by any authorized inspector or agent of the Board.

(d) Suspension of a license shall in all cases be for an indefinite time and the suspension may be lifted and rights under the license fully or partially restored at such time as the Commissioner determines, upon basis of such an inspection, that the rights of the licensee appear to so require and the interests of the public will not be jeopardized by resumption of operation.

§ 37-258.2. Any person aggrieved by the refusal of the Board to issue a license or by its revocation or suspension of a license may, within thirty days after receipt of notice of such action or within a reasonable time after its failure to take action upon a completed application for a license, obtain a review by any court having equity jurisdiction in the county or city in which such private institution, hospital or home is or is proposed to be located and a copy of the petition for review shall be filed with the Board. Within five days after receipt of the copy, the Board shall transmit to the court all of the original papers pertaining to the matter to be reviewed, and the matter shall be thereupon heard by the court or judge in vacation as promptly as circumstances will reasonably permit. The court may enter such orders pending the proceeding as are deemed necessary or proper in accordance with the principles of equity jurisprudence and procedure. The hearing may be upon the record so transmitted, but the court may hear such additional evidence as it deems proper, and upon the conclusion of the hearing, the court may affirm, vacate or modify the order appealed from. Costs may be ordered to be paid as the court or judge deems proper in accordance with principles of equity. Any party to the proceeding may appeal from the decision of the court to the Supreme Court of Appeals, in the same manner as appeals are taken from courts of equity generally.

§ 37-258.3. In case any such private institution, hospital or home is being operated in violation of the provisions of this chapter or of any applicable rules and regulations made under such provisions, the Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful operation and to restrain, correct or abate such violation or violations. Such action or proceedings shall be instituted in a court of record having equity jurisdiction in the county or city where such private institution, hospital or home is located, and such court shall have jurisdiction to enjoin such unlawful operation or such violation or violations.

§ 37-259. Nothing in this chapter contained shall be construed to authorize or require a license of a person to establish, * maintain and operate, or to have charge of, any private institution, hospital or home for the care or treatment of persons by the practice of the religious tenets of any church in the ministration to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether

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gratuitously or for compensation, provided the statutes and regulations on sanitation are complied with.

§ 37-260. Any person violating any provision of this chapter *or any applicable rule and regulation made under such provisions* shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, *and each day, or part thereof, of continuation of any such violation shall constitute a separate offense.*

CHAPTER 497

An Act to amend the Code of Virginia by adding thereto sections numbered 15-65.4 and 15-77.77, relating to the granting or amending of charters of municipal corporations and providing for certain conclusions.

[H 353]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto sections numbered 15-65.4 and 15-77.77 as follows:

§ 15-65.4. The passage of any legislation granting or amending any charter of a municipal corporation shall ipso facto be conclusive evidence that the requirements of this chapter have been complied with.

§ 15-77.77. The passage of any legislation granting or amending any charter of a municipal corporation shall ipso facto be conclusive evidence that the requirements of this article have been complied with.

CHAPTER 498

An Act to amend and reenact § 34-29, as amended, of the Code of Virginia, relating to exemption of wages from distress, levy and garnishment.

[H 355]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 34-29, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 34-29. In addition to the estate, not exceeding the value of two thousand dollars and the other property, which every householder or head of a family residing in this State shall be entitled to hold exempt, as provided in the preceding chapters of this title, wages or salary owing or to be owing to a laboring man *or woman* who is a householder or head of a family, whether a resident or nonresident of this State, shall be exempt from distress, levy, garnishment or other process to the extent of * *the minimum exemption set out in the schedule of minimum and maximum exemptions hereinafter provided; in addition to the minimum exemption, seventy-five per centum of such wages or salary as exceeds the minimum exemption, but not in excess of the maximum exemption, shall also be exempt. All sums of wages over and above the maximum exemption, in addition to the twenty-five per centum of the sum between the minimum and maximum, shall be subject to attachment by garnishee summons; such wages so attached shall be withheld by the employer and*

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applied on said summons and returned to the court as provided by law upon the return day of said summons.

In determining the total wages under this section, the employer shall include therein all deductions for taxes and other withholdings for the benefit of the employee; and the wages or salaries of a laboring man or woman residing within or without this State who is not a householder or a head of a family, shall be so exempt to the extent of fifty per centum of the exemption herein provided for a laboring man or woman who is a householder or head of a family.

In determining the exemption to which the employee is entitled the employer may, until otherwise ordered by the court, rely upon the information contained in the employee's withholding exemption certificate filed by the employee for Federal income tax purposes, and any person showing more than one exemption thereon shall be considered by him to be a householder or head of a family. *However, a husband and wife who are living under the same roof may not both at the same time claim exemptions granted a householder or head of a family.*

The exemption granted under this section to a laboring man *or woman* who is a householder or head of a family shall extend to any person under an order of a court to support a parent, child, husband, or wife, and may be claimed by him *or her* or on his *or her* behalf by any agency of government or person in interest.

It is hereby provided that the schedule of minimum and maximum exemptions for the specific pay periods indicated shall apply as follows:

For:	*Minimum exemption (Householder)*	*(Nonhouseholder)*	*Maximum exemption (Householder)*	*(Nonhouseholder)*
Those paid weekly	*$ 23.00*	*$11.50*	*$ 35.00*	*$17.50*
Those paid biweekly	*46.00*	*23.00*	*70.00*	*35.00*
Those paid semimonthly	*50.00*	*25.00*	*75.00*	*37.50*
Those paid monthly	*100.00*	*50.00*	*150.00*	*75.00*

Every assignment, sale, transfer, pledge or mortgage of the wages or salary of a laboring man which is so exempted, to the extent of the exemption provided for by this section, shall be void and unenforceable by any process of law.

CHAPTER 499

An Act to amend and reenact § 58-716 of the Code of Virginia, relating to the procedure to obtain a refund of tax on motor fuel.

[H 368]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-716 of the Code of Virginia be amended and reenacted as follows:

§ 58-716. Any person entitled to any such refund shall file with the Commissioner an application in writing duly signed by the applicant, accompanied by a paid ticket or invoice from the dealer or retail distributor showing such purchase. Such application shall set forth the total amount of such fuel so purchased and *to be* used by such consumer, other than in motor vehicles operated or intended to be operated upon any of the public highways, streets or alleys of this State, and how used. The Commissioner,

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upon the presentation of such application and such paid ticket, invoice or other document, shall repay to such consumer from the taxes collected on motor fuel the taxes paid on fuel sold and delivered and used other than for motor vehicles as aforesaid. But the application for refund as provided herein must be filed with the Commissioner within * *six* months from the date of the sale or invoice, on forms prepared and furnished by the Commissioner. *A ticket issued to the holder of a courtesy card evidencing the delivery to such holder of tax-paid motor fuel shall, for the purpose of this section, be deemed a paid ticket or invoice.*

CHAPTER 500

An Act to require and provide for the safe operation of certain motorboats on the waters of this State over which the State now has or hereafter obtains jurisdiction; and to this end to define terms, to vest administration of the act in the Commission of Game and Inland Fisheries; to provide for the transfer and reimbursement of certain funds; to require motorboats to be numbered and to set forth how applications therefor shall be made; to impose fees; to require warning devices and safety equipment upon certain motorboats; to authorize the Commission of Game and Inland Fisheries to make rules and regulations in connection with the act; to exempt certain motorboats; to prohibit certain acts and provide penalties for violations; to require reports and the furnishing of assistance in certain cases; to regulate towing and water skiing in connection with the operation of motorboats; to provide for the regulation of regattas and races; to provide for enforcement of the act; and to provide for other matters in connection with the foregoing.

[H 373]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

Article I

1. § 1. It is the policy of this State to promote safety for persons and property in and connected with the use, operation, and equipment of vessels, and to promote uniformity of laws relating thereto.

Article II

§ 2. As used in this act, unless the context clearly requires a different meaning:

(1) "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water,

(2) "Motorboat" means any vessel propelled by machinery of ten or more horsepower, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Waters of this State" means any public waters within the territorial limits of this State, and the marginal sea adjacent to this State

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and the high seas when navigated as a part of a journey or ride to or from the shore of this State.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(6) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(7) "Commission" means the Commission of Game and Inland Fisheries.

§ 3. (a) It shall be the duty of the Commission of Game and Inland Fisheries to enforce and administer the provisions of this act.

(b) The Chairman of the Commission shall designate from among the members of the Commission three members who shall serve as the Motorboat Committee of the Commission, and who shall, in their activities with the Commission, place special emphasis on the administration and enforcement of this act.

(c) All expenses required for administration and enforcement of this act shall be paid from the funds collected pursuant to the numbering provisions of this act, provided, however, that the Commission is hereby authorized, subject to the approval of the Governor, to use funds from the cash balance of the game protection fund in an amount not to exceed one hundred thousand dollars, to be used for initiating the provisions of this act and to be refunded as soon as practicable, but within a period not to exceed four years, from the funds collected pursuant to the numbering provisions of this act. All moneys collected pursuant to the numbering provisions of this act shall be deposited into the State Treasury and credited to a special fund known as the Game Protection Fund, and accounted for as a separate part thereof. Such moneys shall be made available to the Commission for the administration and enforcement of this act as herein provided, and for educational activities relating to boating safety and for other activities and purposes of direct benefit to the boating public and for no other purpose. All moneys collected pursuant to the numbering provisions of this act and moneys otherwise provided for in this act shall be made available to carry out the intent and purposes as set forth herein in accordance with plans approved by the Commission and all such funds are hereby appropriated, reserved, set aside and made available until expended for the enforcement, administration and other provisions of this act, provided that the Commission is hereby authorized to adopt a plan or formula for the use of said moneys for employing and equipping such additional personnel as may be necessary for carrying out the provisions of this act and for paying a proportionate share of the salaries, expense, and operational costs of existing personnel according to the time and effort expended by them in carrying out the provisions of this act. Such plan or formula may be altered or amended from time to time by the Commission as existing conditions may warrant. No funds derived from the sale of hunting licenses or fishing licenses shall be expended or diverted for carrying out the provisions of this act.

§ 4. Every motorboat on the waters of this State shall be numbered. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered in accordance with this act, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless (1) the certificate of number awarded to such motorboat is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such motorboat.

§ 5. (a) The owner of each motorboat requiring numbering by this State shall file an application for number with the Commission on forms approved by it. The application shall be signed by the owner, or his agent, of the motorboat and shall be accompanied by a fee of five dollars for the

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triennium beginning July one, nineteen hundred sixty. Upon receipt of the application in approved form the Commission shall have the same entered upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by rules and regulations of the Commission in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket-size and shall be available at all times for inspection on the motorboat for which issued, whenever such motorboat is in operation.

(b) The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the motorboat on the waters of this State in excess of the ninety-day reciprocity period provided for in § 7 (1) of this act. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under subsection (a) of this section, except that no additional or substitute number shall be issued.

(c) Should the ownership of a motorboat change, a new application form with fee of one dollar shall be filed with the Commission and a new certificate bearing the same number shall be awarded in the manner as provided for in an original award of number. In case a certificate should become lost a new certificate bearing the same number shall be issued upon payment of a fee of fifty cents. Possession of the certificate shall in cases involving prosecution for violation of any provision of this act be prima facie evidence that the person whose name appears thereon is the owner of the boat referred to therein.

(d) In the event that an agency of the United States Government shall have in force an over-all system of identification numbering for motorboats within the United States, the numbering system employed pursuant to this act by the Commission shall be in conformity therewith.

(e) The Commission may award any certificate of number directly or may authorize any person to act as agent for the awarding thereof. In the event that a person accepts such authorization, he may be assigned a block of numbers and certificates therefor which upon award, in conformity with this act and with any rules and regulations of the Commission, shall be valid as if awarded directly by the Commission.

(f) All records of the Commission made or kept pursuant to this section shall be public records.

(g) Every certificate of number awarded pursuant to this act shall continue in full force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this act. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same.

(h) Each certificate of number awarded pursuant to this act must be renewed each triennium on or before July one; otherwise, such certificate shall lapse and be void. Application for renewal shall be submitted on forms approved by the Commission and shall be accompanied by a fee of five dollars.

(i) The owner shall furnish the Commission notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this State pursuant to subsections (a) and (b) of this section or of the destruction or abandonment of such motorboat, within fifteen days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number for such motorboat except that, in the case of a transfer of a part interest which does

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not affect the owner's right to operate such motorboat, such transfer shall not terminate the certificate of number.

(j) Any holder of a certificate of number shall notify the Commission within fifteen days if his address no longer conforms to the address appearing on the certificate, and shall, as a part of such notification, furnish the Commission his new address.

The Commission may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

(k) No number other than the number awarded to a motorboat or granted reciprocity pursuant to this act shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat.

(l) Dealers and manufacturers.

(1) The registering numbering requirements of this act shall apply to dealers and manufacturers of motorboats.

(2) Applications for certificates of number shall be made on the approved application form prescribed in this act. Dealers and manufacturers shall certify that they are dealers or manufacturers, as the case may be.

(3) Applications shall be accompanied by a fee of fifteen dollars for dealers and twenty-five dollars for manufacturers, by check or money order, and shall be forwarded to the Commission.

(4) Upon receipt by the Commission of a properly completed application and fee, it shall issue to the applicant a dealer's or manufacturer's certificate of number as appropriate, which may be used in connection with the operation of any motorboat in the possession of such dealer or manufacturer, when the boat is being used for demonstration purposes.

(5) Additional dealer's or manufacturer's certificates of number may be obtained by making application in the same manner as prescribed for the initial certificate with payment of an additional fee of eight dollars for each additional certificate.

(b) Manufacturers or dealers may have the number or numbers awarded to them printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the boat being demonstrated, so long as the display meets the requirements of this act.

Article III

§ 6. (a) Motorboats subject to the provisions of this act shall be divided into four classes as follows:

(1) Class A. Less than sixteen feet in length.

(2) Class 1. Sixteen feet or over and less than twenty-six feet in length.

(3) Class 2. Twenty-six feet or over and less than forty feet in length.

(4) Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such times no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Class A shall carry a white light to show all around the horizon.

Class 1 shall carry a combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of Classes 2 and 3 shall carry the following lights:

a. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc

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of the horizon of twenty points of the compass so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

b. A bright white light aft to show all around the horizon and higher than the white light forward.

c. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Motorboats of Classes A and 1 when propelled by sail alone shall carry the combined lantern, but not the white light aft prescribed by this section. Motorboats of Classes 2 and 3 when so propelled, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this section. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert a collision.

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean "visible" on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(c) Any vessel may carry and exhibit the lights required by the Federal Regulations for Preventing Collisions at Sea, 1948, Federal Act of October 11, 1951 (33 USC 143-147d) as amended, in lieu of the lights required by subsection (b) of this section.

(d) Every motorboat of Classes 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of Classes 2 or 3 shall be provided with an efficient bell.

(f) Every motorboat shall carry at least one life preserver or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the Commission for each person on board, so placed as to be readily accessible: Provided, that every motorboat carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the Commission for each person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Commission, which fire extinguisher shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subsections (d), (e), and (g) of this section shall not apply to motorboats while competing in any race conducted pursuant to Section 14 of this act or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel,

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equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the Commission.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the Commission for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The Commission is hereby authorized to make rules and regulations modifying the requirements contained in this act to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws, or, with the rules promulgated by the United States Coast Guard.

(l) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

(m) In the event that any of the regulations of subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of Section 6 are in conflict with the equipment regulations of the Federal Motorboat Act of 1958 as amended, the Commission is hereby granted the authority to adopt such regulations as are necessary to conform with the Federal Motorboat Act of 1958 as amended.

§ 7. A motorboat shall not be required to be numbered under this act if it is:

(1) A motorboat which is required to be awarded a number pursuant to federal law or a federally approved numbering system of another state, and for which a number has been so awarded: Provided, that any such boat shall not have been within this State for a period in excess of ninety consecutive days.

(2) A motorboat from a country other than the United States temporarily using the waters of this State.

(3) A motorboat whose owner is the United States, a state or a subdivision thereof.

(4) A ship's lifeboat.

§ 8. It shall be unlawful for the owner of a boat livery to rent a boat equipped with ten or more horsepower to any person unless the provisions of this act have been complied with. It shall be the duty of owners of boat liveries to equip all motorboats rented as required by this act.

Article IV

§ 9. The exhaust of every internal combustion engine used on any motorboat shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for motorboats competing in a regatta or boat race approved as provided in § 14 of this act, and for such motorboats while on trial runs, during a period not to exceed forty-eight hours immediately preceding such regatta or race and for such motorboats while competing in official trials, for speed records during a period not to exceed forty-eight hours immediately following such regatta or race.

§ 10. (a) No person shall operate any motorboat or vessel, or manipulate any skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

(b) No person shall operate any motorboat or vessel, or manipulate any water skis, surfboard or similar device while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.

Every violation of the provisions of this section shall be a misdemeanor.

§ 11. (a) It shall be the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to render persons affected by the collision, accident, or other casualty such assistance as may

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be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

(b) In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars, shall, within ten days, file with the Commission a full description of the collision, accident, or other casualty, including such information as said agency may, by regulation, require. Such report shall not be admissible as evidence.

§ 12. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Commission pursuant to § 11 (b) shall be transmitted to said official or agency of the United States.

§ 13. (a) No person shall operate a vessel on any waters of this State for towing a person or persons on water skis, or a surfboard, or similar device unless there is in such vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed or unless the skiers wear life preservers or unless the boat is equipped with a rear view mirror.

(b) No person shall operate a vessel on any water of this State towing a person or persons on water skis, a surfboard, or similar device, nor shall any person engage in water skiing, surfboarding, or similar activity at any time between the hours from one hour after sunset to one hour before sunrise.

(c) The provisions of subsections (a) and (b) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under § 14 of this act.

(d) No person shall operate or manipulate any vessel, tow rope, or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the water skis, surfboard, or similar device, or any person thereon to collide with any object or person.

Regattas and Races

§ 14. (a) The Commission may authorize the holding of regattas, motorboat, or other boat races, marine parades, tournaments, or exhibitions on any waters of this State. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat, or other boat race, marine parade, tournament, or exhibition is proposed to be held, the person in charge thereof, shall, at least fifteen days prior thereto, file an application with the Commission for permission to hold such regatta, motorboat, or other boat race, marine parade, tournament, or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat, or other boat race, marine parade, tournament, or exhibition, and it shall not be conducted without authorization of the Commission in writing.

(b) The provisions of this section shall not exempt any person from compliance with applicable federal law or regulation, but nothing contained herein shall be construed to require the securing of a State permit pursuant to this section if a permit therefor has been obtained from an authorized agency of the United States.

Special Regulations

§ 15. (a) Any subdivision of this State, may at any time, but only after public notice, make formal application to the Commission for special

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rules and regulations with reference to the safe and reasonable operation of vessels on any water within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate.

(b) The Commission is hereby authorized to make special rules and regulations with reference to the safe and reasonable operation of vessels on any waters within the territorial limits of any subdivision of this State.

§ 16. All regulations shall conform to Chapter 8, Article 1, Title 29 of the Code of Virginia and all rules and regulations shall be published by the Commission in a convenient form.

Article V

§ 17. (a) Every game warden and every other law enforcement officer of this State and its subdivisions shall have the authority to enforce the provisions of this act and in the exercise thereof shall have authority to stop any vessel subject to this act; and, after having identified himself in his official capacity, shall have authority to board and inspect any vessel subject to this act; provided that the provisions of this article shall not apply to any vessel on which is displayed a current valid United States Coast Guard or United States Coast Guard Auxiliary inspection decal.

Penalties

§ 18. Any person who violates any provision of §§ 4, 5, 6, 8, 9, 11, 13, and 14 of this act shall be guilty of a misdemeanor and shall be punished by a fine of not more than fifty dollars for each such violation.

§ 19. Notwithstanding any other provisions of this act, the Commission may promulgate such rules and regulations regarding the operation of watercraft by manufacturers, distributors, dealers, and demonstrators as the Commission may deem necessary and proper.

2. All laws and parts of laws in conflict with this act are hereby repealed.

CHAPTER 501

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 36 thereof an article numbered 7.1, containing sections numbered 36-55.1 through 36-55.6, creating Redevelopment and Urban Renewal Authorities in certain counties, prescribing the method of activation of such Authorities and for a referendum thereon under certain conditions; providing for the selection, organization and removal of commissioners of such Authorities, and prescribing their powers and duties, investment status of bonds, conferring the power of eminent domain and providing for liquidation of the project and Authority.

[H 379]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Chapter 1 of Title 36 thereof an article numbered 7.1, containing sections numbered 36-55.1 through 36-55.6, as follows:

Article 7.1

§ 36-55.1. For every county in this State having a density of population in excess of four thousand per square mile there is hereby created a political subdivision of the Commonwealth with such public and corporate powers as are hereinafter conferred which shall be known as "The ..... County Redevelopment and Urban Renewal Authority", hereinafter referred to as "Authority"; provided that such Authority shall not transact any business or exercise any powers unless

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and until the governing body of the county, after a public hearing as provided in § 36-44, shall find and declare by resolution that the conditions set forth in § 36-48 exist in such county, subject to a referendum as hereinafter provided. If the governing body adopts such resolutions, it shall call for an election to determine whether the voters approve the need for such Authority in the county, but such election, if held, shall be held at the next general election. If such election is called and held the question on the ballot shall be:

Is there a need for a Redevelopment and Urban Renewal Authority in the county of .....?

Yes .....

No .....

The ballots shall be printed, the returns canvassed and the results certified as provided in § 24-141.

§ 36-55.2. When the need for an Authority to be activated in the county has been determined as hereinabove provided the governing body of the county shall appoint five persons as commissioners of the Authority. Such appointments shall be made in the manner and for the terms set forth in § 36-11 for commissioners of housing authorities and the provisions of Article 2 of this chapter shall apply, mutatis mutandis, to such commissioners.

§ 36-55.3. When any such Authority has been created, it shall have and may exercise the powers relating to redevelopment projects set forth in Article 7 of this chapter and the provisions of that article shall apply to authorities created hereunder; provided, however, that no such Authority shall have any power to provide, establish or promote public housing in such county. The Authority shall further have power:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with law, to carry into effect the powers and purposes of the Authority.

(b) Within its area of operation, to determine where blighted areas exist; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of blighted areas, and the problem of facilitating the rehousing of displaced persons through assistance in the locating of decent, safe and sanitary housing suitable for them and within their means as well as the encouragement of the development of private housing, and to cooperate with the city, the county, the Commonwealth or any other political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of elimination of blighted areas.

(c) Acting through one or more commissioners or other person or persons designated by the Authority, to conduct examinations and investigations, and to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

§ 36-55.4. All bonds issued by the Authority shall be legal investments and the provisions of § 36-44 shall apply in all respects to such bonds.

§ 36-55.5. The Authority is hereby vested with the power of eminent domain and the provisions of § 36-27 shall apply, mutatis mutandis, to the exercise of such power.

§ 36-55.6. If the governing body of the county determines, after a

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public hearing, that the Authority and the project should be liquidated, it shall proceed in the manner prescribed by § 36-7.1 which shall apply, mutatis mutandis, in such case.

CHAPTER 502

An Act to amend and reenact § 8-441 of the Code of Virginia, relating to the institution of garnishment proceedings and providing for certain limitations.

[H 381]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-441 of the Code of Virginia be amended and reenacted as follows:

§ 8-441. On a suggestion by the judgment creditor that, by reason of the lien of his writ of fieri facias, there is a liability on any person other than the judgment debtor, or, that there is in the hands of some person in his capacity as personal representative of some decedent a sum of money to which a judgment debtor is or may be entitled as creditor or distributee of such decedent, upon which sum when determined such writ of fieri facias is a lien, a summons may be sued out of the clerk's office of the court in which the judgment is, or, if rendered by a trial justice, may be issued by a trial justice, or sued out of the clerk's office to which an execution issued thereon has been returned as provided in § 16-35 against such person; and a copy thereof shall be served on the judgment debtor as well as on such person, or, if he be a nonresident, he shall be proceeded against by publication, according to the provisions of § 8-71, unless the summons was sued out from a trial justice, in which case, there shall be no order of publication.

No summons under this section shall be issued at the suggestion of the judgment creditor or his assignee against the wages of a judgment debtor unless the judgment creditor, his agent or attorney shall allege, under oath, in his suggestion that:

(1) The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or

(2) No summons has been issued upon his suggestion against the same judgment debtor within a period of eighteen months, other than under the provisions of paragraph (1) above; or

(3) The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials; or

(4) The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or

(5) The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or

(6) The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

Any judgment creditor who knowingly gives false information upon any such suggestion made under this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished accordingly.

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CHAPTER 503

An Act to amend the Code of Virginia by adding in Chapter 7 of Title 38.1 thereof an article numbered 3.1, consisting of §§ 38.1-314.1 through 38.1-314.16, so as to provide for licensing of surplus lines brokers; to prescribe the fee for such licenses; to impose certain requirements on licensees; to prescribe the conditions under which certain policies of insurance may be procured; and to prescribe penalties for violations.

[H 399]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Chapter 7 of Title 38.1 thereof an article numbered 3.1, consisting of §§ 38.1-314.1 through 38.1-314.16 as follows:

Article 3.1

§ 38.1-314.1. The Commission may issue a surplus lines broker's license to any person licensed as a resident agent for the procuring of insurance of the kinds and types classified in §§ 38.1-5 through 38.1-18; and §§ 38.1-21 through 38.1-24 from insurers who or which are not licensed to transact insurance business in this State. For the purposes of this section, any person, partnership or corporation as defined in § 38.1-280, except life agents, special agents and company representatives, shall be considered resident agents.

§ 38.1-314.2. Every original applicant for a surplus lines broker's license shall make application for such license on a form prescribed by the Commission, signed by the applicant, and containing such information as the Commission may require.

§ 38.1-314.3. The annual fee for each surplus lines broker's license shall be fifty dollars, which fee shall be paid when the application for license is filed and prior to March fifteen of each year thereafter. The fee for any such license, application for which is filed after September fifteen, shall be twenty-five dollars. All fees shall be collected by the Commission and paid into the State treasury to the credit of the fund for the maintenance of the bureau of the Commission established to administer the insurance laws of the State.

§ 38.1-314.4. Every license issued pursuant to this article shall be for a term expiring on the fifteenth day of March next following the date of its issuance and may be renewed for the ensuing license year, upon the filing of an application in such form as may be prescribed by the Commission and payment of the fee prescribed in § 38.1-314.3.

§ 38.1-314.5. Prior to issuance of license the applicant shall file with the Commission, and thereafter for as long as the license remains in effect he shall keep in force a bond in favor of the State in the penal sum of twenty-five thousand dollars with authorized corporate sureties approved by the Commission. The bond shall be conditioned that the broker will conduct business under the license in accordance with the provisions of the surplus lines insurance law and that he will promptly remit the taxes provided by such law. The bond shall not be terminated unless at least thirty days prior written notice thereof is filed with the Commission.

§ 38.1-314.6. The surplus lines broker may accept surplus lines business from any duly licensed resident agent of an authorized insurer and may compensate him therefor; and any duly licensed resident agent may place surplus lines business with a surplus lines broker as constituted under this article and accept compensation therefor.

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§ 38.1-314.7. When any policy of insurance is procured under the provisions of this article, there shall be executed by the surplus lines broker procuring such policy and the insured under the provisions of such policy an affidavit in form and content as prescribed by the Commission stating that such surplus lines broker and such insured were unable, after diligent effort, to procure from among insurers licensed to transact and actually writing insurance business in this State the full amount of insurance of that kind and type, of insurance in this State; and further showing that the amount of insurance procured from an insurer or insurers not licensed to transact insurance business in this State is only the excess over the amount procurable from licensed insurers. Such affidavit shall also state that such surplus lines insurance was not procured for the purpose of securing advantages as to premium rate nor as to terms of the insurance contract. Such affidavit shall be filed with the Commission not more than fifteen days after any such insurance shall have been procured and at least fifteen days before any premium therefor has been remitted by the surplus lines broker.

§ 38.1-314.8. Every person licensed pursuant to the provisions of this article shall keep in his office a complete record of and file in the office of the Commission annually on or before the first day of March a statement setting forth each policy of insurance procured by him under the provisions of this article during the previous calendar year; the name and address of the insurer or insurers; the inception and expiration dates thereof; the perils insured against; the location of each risk so insured and the premium rate and the gross premium charged for each such policy of insurance; the amount of premium returned; and such other information as the Commission may require. Such annual statement shall be on a form furnished by the Commission and shall be verified by oath or affidavit.

§ 38.1-314.9. Every person licensed under the provisions of this article shall pay annually to the Commission the assessment provided for in §§ 38.1-44 and 38.1-45 and taxes provided for in §§ 58-486 and 58-490 on each policy of insurance procured by him during the preceding calendar year with a company not licensed to transact insurance business in this State.

§ 38.1-314.10. Each policy or other written evidence of insurance procured pursuant to the provisions of this article shall be delivered promptly to the insured and have endorsed thereon a statement that the same is registered and delivered as surplus lines coverage under the provisions of this article and is issued by an insurer or insurers not licensed to transact business in this State. Such endorsement shall be countersigned by the surplus lines broker procuring such policy, showing also his license number and mailing address. No surplus lines broker shall issue or deliver any policy or other written evidence of insurance or represent the insurance will be or has been granted by an unlicensed insurer unless he has prior written authority from such insurer for the insurance, or received information from such insurer in the regular course of business that such insurance has been granted, or an insurance policy providing the insurance actually has been issued by such insurer and delivered to the insured.

§ 38.1-314.11. Each surplus lines broker, before procuring a policy of insurance with any insurer not licensed to transact insurance business in this State, shall make a diligent investigation of the reputation, integrity and financial stability of such company. In no event shall he procure any such policy from any insurer unless such insurer has prior approval of the Commission.

§ 38.1-314.12. Every insurer issuing surplus lines coverage under the

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provisions of this article shall be subject to the provisions of §§ 38.1-64 through 38.1-67.

§ 38.1-314.13. The provisions of this article shall not apply to the kind and type of insurance or insurers exempt under the provisions of subparagraphs (1) through (5) of § 38.1-291.

§ 38.1-314.14. The Commission shall make, approve and adopt reasonable rules and regulations consistent with this article to effectuate the purpose of this article.

§ 38.1-314.15. Any violation of this article shall be punished as provided for in §§ 38.1-40 and 38.1-311.

§ 38.1-314.16. Except as is otherwise provided herein, the provisions relating to the licensing and control of surplus lines brokers shall have no effect on or in any way alter any of the other provisions of this title.

CHAPTER 504

An Act to amend and reenact § 8-270 of the Code of Virginia, relating to proof of statutes of the United States and other states and proof of ordinances of political subdivisions of this State.

[H 411]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-270 of the Code of Virginia be amended and reenacted as follows:

§ 8-270. Copies of the statutes of the United States, printed by authority of the United States, and copies of the statutes of any state or territory of the United States, printed by authority of such state or territory, may be received as prima facie evidence of such statutes in any suit or proceeding in this State.

A copy of any ordinance or joint resolution of a municipal corporation *or county* in this State, certified by the clerk or secretary of the corporation *or county*, or a printed copy thereof which purports to have been printed by the authority of the corporation *or county*, shall be received as prima facie evidence for any purpose for which the original ordinance or joint resolution could be received. *As used in this section, the term "municipal corporation" shall include a city or incorporated town. As used in this section, the term "clerk" shall include the clerk of the circuit court or the clerk of the governing body of the political subdivision.*

CHAPTER 505

An Act to amend and reenact § 14-86, as amended, of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 14-86.1, relating to compensation for sheriffs of counties and sergeants of cities and their deputies.

[H 415]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-86, as amended, of the Code of Virginia, be amended and reenacted, and that the Code be amended by adding a section numbered 14-86.1, as follows:

§ 14-86. The annual salary of the sheriff of each county shall be not less than thirty-six hundred dollars and not more than * *ten* thousand *

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dollars. The annual salary of the sergeant of each city chartered prior to December one, nineteen hundred fifty-three, shall be not less than thirty-six hundred dollars and not more than * *ten* thousand * dollars. The annual salary of a full-time deputy of a sheriff or of a sergeant shall be not more than three-fourths of the compensation fixed for the sheriff or sergeant of his county or city, as the case may be.

In fixing the salary of each sheriff and sergeant, and of each of their full-time deputies, the Compensation Board shall take into consideration the length of service of such sheriff, sergeant or deputy, the population and area of the county or city for which he is elected or appointed, the number of persons committed to the jail thereof, the aggregate number of days spent by prisoners in the jail thereof, the compensation previously received by the sheriff or sergeant and each of their full-time deputies, the amount of fees collected by such officers and such other factors as the Compensation Board deems proper.

The salaries shall be fixed, as far as is consistent with the factors hereinbefore required to be considered, according to the following schedule:

(1) In the counties of Amelia, Appomattox, Bland, Charles City, Clarke, Craig, Cumberland, Essex, Fluvanna, Gloucester, Goochland, Greene, Highland, James City, King George, King and Queen, Madison, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Rappahannock, Richmond, Surry *and* Westmoreland *, the salary of each sheriff shall be not less than thirty-six hundred dollars and not more than * *six* thousand * dollars per annum;

(2) In the counties of Bath, Charlotte, Culpeper, Floyd, King William, Lancaster, Louisa, Page, Stafford and Spotsylvania, the salary of each sheriff shall be not less than thirty-six hundred dollars and not more than * *six* thousand * dollars;

(3) In the counties of Botetourt, Buckingham, Loudoun, Lunenburg, Nelson, Patrick, Shenandoah and Warren, the salary of each sheriff shall be not less than thirty-six hundred dollars and not more than * *six* thousand * dollars per annum;

(4) In the counties of Amherst, Fauquier, Caroline, Grayson, Greensville, Isle of Wight, Prince Edward, Sussex, *York* and Nottoway, the salary of each sheriff shall be not less than four thousand dollars and not more than * *seven* thousand * dollars per annum;

(5) In the counties of Alleghany, Albemarle, Bedford, Brunswick, Campbell, Carroll, Dickenson, Dinwiddie, Frederick, Giles, Henry, Mecklenburg, Northampton, Prince George, Hanover, Orange, Pulaski, Rockbridge, Smyth, Southampton, Prince William and Wythe, the salary of each sheriff shall be not less than four thousand five hundred dollars and not more than * *eight* thousand * dollars per annum;

(6) In the counties of Accomack, Chesterfield, Halifax, Henrico, Montgomery and Scott the salary of each sheriff shall be not less than four thousand five hundred dollars and not more than * *nine* thousand * dollars per annum;

(7) In the counties of Augusta, Buchanan, Franklin, Lee, Nansemond, Pittsylvania, Roanoke, Rockingham, Russell, Tazewell, Washington and Wise, the salary of each sheriff shall be not less than four thousand five hundred dollars and not more than * *nine* thousand *five hundred* dollars per annum;

(8) In the counties of Arlington, Fairfax, Princess Anne and Norfolk the salary of the sheriff shall be not less than five thousand dollars and not more than * *ten* thousand * dollars per annum;

(9) In the cities of Buena Vista, Norton and Williamsburg, the salary of each sergeant shall be not less than three thousand six hundred dollars and not more than * *six* thousand * dollars per annum;

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(10) In the cities of Bristol, Charlottesville, Clifton Forge, Virginia Beach, Fredericksburg, Hopewell, Martinsville, Suffolk, Radford, Staunton, Winchester and Waynesboro, the salary of each sergeant shall not be less than three thousand six hundred dollars and not more than * *seven* thousand * dollars per annum;

(11) In the cities of Hampton, Lynchburg, Newport News, * Petersburg and Portsmouth, the salary of each sergeant shall be not less than four thousand five hundred dollars and not more than * *nine* thousand *five hundred* dollars per annum;

(12) In the cities of Richmond, Norfolk, Roanoke, Alexandria and Danville, the salary of each sergeant shall be not less than five thousand dollars and not more than * *ten* thousand * dollars per annum, provided, however, that in counties or cities having a population of more than ninety thousand and two or more courts of record or two or more judges of the same court of record, the Compensation Board, in its discretion, may make an additional allowance not to exceed one thousand dollars.

§ 14-86.1. The maximum limits of the salaries provided by this article are hereby increased to the extent of fifteen hundred dollars in the case of officers in counties adjoining one or more cities of more than twenty-five thousand inhabitants, whether such cities be within or without this State, and in case of officers in cities adjoining or within one mile of another city or county of more than one hundred thousand inhabitants.

2. This act shall be in force and effect on and after July first, nineteen hundred sixty.

CHAPTER 506

An Act providing for the construction, maintenance, repair and operation of a bridge project from a point or points on Smith Island off the southeastern shore of Northampton County, Virginia, to a point or points on the mainland in said County, including beach facilities incidental to such project; creating a political subdivision of the Commonwealth to be known as the Smith Island Bridge Authority and defining its powers and duties; granting to the Authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for financing the construction of such project by the issuance of revenue bonds of the Authority, payable solely from tolls and other revenues; authorizing the issuance of revenue refunding bonds; providing that no debt of the Commonwealth or of any county, city, district or political subdivision thereof shall be incurred in the exercise of any of the powers granted by this Act; providing for the collection of tolls and other revenues to pay such bonds and the interest thereon and the cost of maintenance, repair and operation of such project; exempting from taxes and assessments such project and such bonds and the income therefrom; providing for the execution of a trust agreement to secure the payment of such bonds without mortgaging or encumbering such project; and prescribing the powers and duties of the Authority in connection with the foregoing and the rights and remedies of the holders of bonds issued under the provisions of this Act.

[H 418]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. *Definitions.*—As used in this Act the following words and term shall have the following meanings, unless the context shall indicate another or different meaning or intent:

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(a) The word "Authority" shall mean the Smith Island Bridge Authority hereinafter created or, if the Authority shall be abolished, the board, body, commission or agency succeeding to the principal functions thereof or upon whom the powers given by this Act to the Authority shall be conferred by law.

(b) The word "project" shall mean a bridge or bridges constructed by the Authority under the provisions of this Act extending from a point or points on Smith Island off the southeastern shore of Northampton County, Virginia, to a point or points on the mainland in said County to connect with a public highway or highways, together with all necessary and convenient approaches, roads and streets used in connection with such bridge and bridges and beach facilities convenient to such roads and streets.

(c) The term "cost of the project" shall embrace the cost of construction, landscaping and conservation, the cost of acquisition of all land, rights of way, property, rights, easements and interests acquired by the Authority for the construction and operation of the project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any land to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the Authority for a period not exceeding one year after completion of construction, cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, provision for working capital and a reserve for interest, other expenses necessary or incident to determining the feasibility or practicability of constructing the project, administrative expenses, and such other expenses as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation. Any obligation or expense incurred by the State Highway Commission for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of the project shall be regarded as a part of the cost of such project and shall be reimbursed to the State Highway Commission out of the proceeds of the revenue bonds issued for the project as hereinafter authorized.

(d) The word "bonds" or the words "revenue bonds" shall mean revenue bonds or revenue refunding bonds of the Authority issued under the provisions of this Act.

(e) The word "owner" shall include all individuals, copartnerships, associations or corporations and also municipalities, political subdivisions and all public agencies and instrumentalities having any title or interest in any property, rights, easements and interests authorized to be acquired by this Act.

§ 2. *Credit of Commonwealth and Political Subdivisions Not Pledged.* —Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the Commonwealth of Virginia or of any county, city, district or political subdivision thereof, or a pledge of the faith and credit of the Commonwealth or of any county, city, district or political subdivision thereof, but such bonds shall be payable solely from the funds herein provided therefor from tolls and revenues. The issuance of revenue bonds under the provisions of this Act shall not directly or indirectly or contingently obligate the Commonwealth or any county, city or district therein or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor. All such revenue bonds shall contain a statement on their face substantially to the foregoing effect.

All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the provisions of this Act and no liability or obligation shall be incurred by the Authority hereunder

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beyond the extent to which moneys shall have been provided under the provisions of this Act.

§ 3. *Smith Island Bridge Authority.*—There is hereby created and constituted a political subdivision of the Commonwealth to be known as the "Smith Island Bridge Authority". The exercise by the Authority of the powers conferred by this Act in the construction, operation and maintenance of the project authorized by this Act shall be deemed and held to be the performance of an essential governmental function.

The Authority shall consist of five members, all of whom shall be appointed by the judge of the Circuit Court of Northampton County and at least three of whom shall be residents of said County. Two of the members of the Authority first appointed shall continue in office for terms expiring on June 30, 1964, two for terms expiring on June 30, 1963, and one for a term expiring on June 30, 1962, the term of each such member to be designated by said judge of said Circuit Court and to continue until his successor shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of five years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Authority shall be eligible for reappointment. Members of the Authority shall be subject to removal from office in like manner as are state, county, town and district officers under the provisions of §§ 15-500 to 15-503, inclusive, of the Code of Virginia, 1950. The Authority shall annually elect one of its members as chairman and another as vice chairman and shall also elect annually a secretary-treasurer, who may or may not be a member of the Authority.

The secretary-treasurer shall keep a record of the proceedings of the Authority and shall be custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

Three members of the Authority shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

Before the issuance of any revenue bonds under the provisions of this Act the secretary-treasurer of the Authority shall execute a surety bond in the penal sum of fifty thousand dollars, such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the Commonwealth as surety and to be approved by the attorney general and filed in the office of the secretary of the Commonwealth.

The members of the Authority shall be entitled to reimbursement for their expenses incurred in attendance upon the meetings of the Authority or while otherwise engaged in the discharge of their duties. Each member shall also be paid the sum of twenty dollars per day for each day or portion thereof during which he is engaged in the performance of his duties, with the maximum payable to any one member in any one calendar year of fifteen hundred dollars.

§ 4. *General Grant of Powers.*—The Authority is hereby authorized and empowered:

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

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(c) to determine the location, subject to the approval of the State Highway Commission, of the project, to determine, in its discretion and without reference to any other provisions of any state law, the design standards and the materials of construction, and to construct, maintain, repair and operate the project;

(d) to issue revenue bonds of the Authority for any of its purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Act;

(e) to fix and revise from time to time and charge and collect tolls, rates, fees, rentals and other charges for the use of the project;

(f) to acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this Act;

(g) to employ, in its discretion, consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(h) to construct grade separations at intersections of the project with public highways, streets or other public ways or places, and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation; the cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways, streets, ways and places shall be ascertained and paid by the Authority as a part of the cost of the project;

(i) to enter upon any lands, waters and premises for the purpose of making such surveys, soundings, borings and examinations as the Authority may deem necessary or convenient for its purposes, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings; provided, however, the Authority shall pay any actual damage resulting to such lands, water and premises as a result of such entry and activities as a part of the cost of the project;

(j) to sue and be sued in its own name, plead and be impleaded;

(k) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act; and

(l) to do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

§ 5. *Acquisition of Property.*—(a) The Authority is hereby authorized and empowered to acquire by purchase solely from funds provided under the provisions of this Act, such lands, structures, property, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof.

All public agencies and commissions of the Commonwealth, with the approval of the Governor, and the county of Northampton, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request upon such terms and conditions as may be mutually agreed upon, without the necessity for any advertisement, order of court or other action or formality, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public highways and other real property already devoted to public use.

(b) The Authority is authorized and empowered to acquire by the exercise of the power of eminent domain limited to the definition of "project" as set forth herein, any lands, property, rights, rights of way, franchises, easements and other property, including public lands,

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parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, of any person, copartnership, association, public service, public utility or other corporation, or of the county, deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration, replacement or relocation of public or private property damaged or destroyed, whenever a reasonable price cannot be agreed upon or whenever the Authority cannot agree on the terms of purchase or settlement with the owner or owners because of the incapacity of such owner or owners or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because such owner or owners are nonresidents of the Commonwealth, or are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws of the Commonwealth applicable to the exercise of the power of eminent domain in the name of the State Highway Commissioner and subject to the provisions of § 25-233 of the Code of Virginia, 1950, as fully as if the Authority were a corporation possessing the power of eminent domain; provided, however, that title to any property condemned by the Authority shall immediately vest in the Authority, and the Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk of the court in which such condemnation proceedings are originated, of the total amount of the appraised price of the property and court costs and fees as provided by said laws, notwithstanding that any of the parties to such proceedings shall appeal from any decision in such condemnation proceedings. Whenever the Authority shall make such deposit in connection with any condemnation proceeding, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person or persons entitled thereto may, upon petition to the court, be paid his or their pro rata share of 90% of such appraised price. The acceptance of such payment shall not preclude such person or persons from appealing any decision rendered in such proceedings. If the appraisement is greater or less than the amount finally determined by the decision in such proceeding or by an appeal, the amount of the increase or decrease shall be paid by or refunded to the Authority.

The terms "appraised price" and "appraisement" as used in this section mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

The acquisition of any such property by condemnation or by the exercise of the power of eminent domain shall be and is hereby declared to be a public use of such property.

(c) Title to any property acquired by the Authority shall be taken in the name of the Authority.

(d) In any eminent domain proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Authority and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Authority to accept and pay for the property, or by reason of the taking of property occupied by such owners, but neither such undertaking or security nor any act or obligation of the Authority shall impose any liability upon the Commonwealth or upon any county, or other political subdivision of the Commonwealth.

(e) If the owner, lessee or occupier of any property to be condemned or otherwise acquire shall refuse to remove his property therefrom or give up possession thereof, the Authority may proceed to obtain possession in any manner provided by law.

(f) The Commonwealth hereby consents to the use of any lands or

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property owned by the Commonwealth, including lands lying under water, which are deemed by the Authority to be necessary for the construction or operation of the project.

§ 6. *Revenue Bonds.*—The Authority is hereby authorized to provide by resolution for the issuance, at one time or from time to time, of revenue bonds of the Authority for the purpose of paying all or any part of the cost of the project. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any other provision of this Act or any recitals in any bonds issued under the provisions of this Act, all such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell such bonds in such manner, either at public or negotiated sale, and for such price, as it may determine will best effect the purposes of this Act.

The proceeds of the bonds shall be used solely for the payment of the cost of the project, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things

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than those proceedings, conditions or things which are specifically required by this Act.

§ 7. *Trust Agreement.*—In the discretion of the Authority any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project, the rates of toll to be charged, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the project.

§ 8. *Revenues.*—The Authority is hereby authorized to fix, revise, charge and collect tolls for the use of the project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right of way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, and to fix the terms, conditions, rents and rates of charges for such use. Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such project and (b) the principal of and interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any commission, board, bureau or agency of the Commonwealth or of any municipality, county or other political subdivision of the Commonwealth. The tolls and all other revenues derived from the project, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls and other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority,

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irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

§ 9. *Trust Funds.*—All moneys received pursuant to the provisions of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The Authority shall, in the resolution authorizing the bonds or in the trust agreement securing such bonds, provide for the payment of the proceeds of the sale of the bonds and the revenues to be received to a trustee, which shall be any trust company or bank having the powers of a trust company within or without the Commonwealth, which shall act as trustee of the funds, and hold and apply the same to the purposes of this Act, subject to such regulations as this Act and such resolution or trust agreement may provide. The trustee may invest and reinvest such funds in such securities as may be provided in the resolution authorizing the bonds or in the trust agreement securing such bonds.

§ 10. *Remedies.*—Any holder of bonds issued under the provisions of this Act or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given, may be restricted by such trust agreement, may either at law or in equity, by suit, action, injunction, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted by this Act or under such trust agreement or the resolution authorizing the issuance of such bonds and may enforce and compel the performance of all duties required by this Act or by such agreement or resolution to be performed by the Authority or by any officer or agent thereof, including the fixing, charging and collection of tolls.

§ 11. *Exemption from Taxation.*—The exercise of the powers granted by this Act shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their safety, health, welfare, convenience and prosperity, and as the operation and maintenance of the project by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this Act or upon the income therefrom; and the bonds issued under the provisions of this Act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any municipality, county or other political subdivision thereof.

§ 12. *Revenue Refunding Bonds.*—The Authority is hereby authorized to provide by resolution for the issuance of its revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions or enlargements of the project. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Authority in respect of the same, shall be governed by the provisions of this Act in so far as the same may be applicable.

§ 13. *Transfer to Commonwealth.*—When all bonds issued under the

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provisions of this Act and the interest thereon have been paid or a sufficient amount for the payment of all such bonds and the interest to the maturity thereof have been set aside in trust for the benefit of the bondholders, the project shall become a part of the state highway system, if then in good condition and state of repair acceptable to the State Highway Commission, and shall thereafter be operated and maintained by the Commission, or its successor agency, free of tolls.

§ 14. *Act Liberally Construed.*—This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

§ 15. *Constitutional Construction.*—The provisions of this Act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included therein.

§ 16. *Inconsistent Laws Inapplicable.*—All other general or special laws inconsistent with any provision of this Act are hereby declared to be inapplicable to the provisions of this Act.

CHAPTER 507

An Act to permit physicians to disclose certain information in connection with the conduct of certain medical studies, to provide for the confidential nature of such information in the hands of those conducting the study, and to protect the anonymity of the patient and physician concerned.

[H 422]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Any practitioner of the healing arts may permit an authorized representative of the State Department of Health, hereinafter referred to as the Department, to examine and review any medical records which he has in his possession or to which he has access which relate to the death of a patient, when the Department requests such authority in the course of a medical study for the purpose of reducing mortality, and such physician and the custodian of such records shall not be liable in any action at law for permitting such examination and review.

§ 2. The Department shall not divulge the contents of such records or of any individual reports it may make in connection therewith except that information pertinent to the study may be divulged to a committee of a recognized medical society with which such study is being jointly made, and such information shall be deemed to be confidential and privileged in the hands of the Department and such committee and shall not be used in evidence in any action at law.

§ 3. In furnishing the information so obtained to such committee and in publishing any reports of the study, the Department shall preserve the anonymity of the patient and physician involved, except that the physician shall be informed of the preparation of any such report by the Department or by the committee and shall be furnished a copy of it upon request.

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CHAPTER 508

An Act to amend and reenact §§ 58-425, 58-426, 58-427, 58-434, 58-435, 58-440 and 58-441 of the Code of Virginia, relating to intangible personal property taxes.

[H 426]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-425, 58-426, 58-427, 58-434, 58-435, 58-440 and 58-441 of the Code of Virginia be amended and reenacted as follows:

§ 58-425. Extension of time for filing returns.—The Department of Taxation may grant a reasonable extension of time for filing intangible returns whenever in its judgment good cause exists and shall keep a record of every such extension. Except in case of a taxpayer who is abroad no such extension shall be granted for more than six months. *Whenever the time for filing a return be extended, interest at the rate of one-half of one per cent per month or fraction thereof from the time the return was originally required to be filed to the time of payment shall be charged and collected. If any taxpayer, who has been granted an extension of time for filing his return, fails to file his return within the extended time and to pay the full amount of the tax as shown on the face of the return at the time of filing, and the accrued interest, his case shall be treated the same as if no extension had been granted.*

§ 58-426. Blank forms of returns to be furnished by Department of Taxation.—Blank forms of returns for intangible personal property shall be supplied by the Department of Taxation to the commissioners of the revenue, who shall *mail or* deliver them to the taxpayers *not later than January fifteenth of each year.* *

§ 58-427. Commissioner of revenue to obtain returns; audit and assessment.—Every commissioner of the revenue shall obtain a return of intangible personal property from every taxpayer within his jurisdiction who is liable to file such a return with him; but this duty of the commissioner of the revenue to obtain such return shall in no manner diminish the obligation of the taxpayer to file a return without being called upon to do so by the commissioner of the revenue or any other officer. Each commissioner of the revenue shall audit returns of taxpayers as soon as * *practicable after they are made to him and shall assess the amount of taxes, or the amount of additional taxes, as the case may be, which appears to be due; but such auditing shall not be done in such manner or at such time in any case as will result in any delay on the part of the commissioner of the revenue in complying with §§ 58-440 and 58-441.*

§ 58-434. Forwarding to and audit of returns by Department.—As soon as the returns of intangible personal property have been received by the commissioner of the revenue and entered upon the assessment * *sheets or forms,* the commissioner of the revenue shall forward such returns to the Department of Taxation; *provided, however, that the Department of Taxation may authorize the commissioner of the revenue to retain such returns for such length of time as may be necessary to enable him to review them under § 58-427 and to use them in ascertaining delinquents.* As soon as practicable after each such return is received by the Department it shall examine and audit it.

§ 58-435. Assessment and payment of deficiency; penalties; application for correction.—If the amount of tax computed by the Department shall be greater than the amount theretofore assessed, the excess shall be assessed by the Department and a bill for the same shall be mailed to the taxpayer and advice thereof given to the Comptroller. The taxpayer shall pay such additional tax to the State Treasurer within * *thirty* days after

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the amount of the tax as computed shall be mailed by the Department aforesaid. In such case, if the return was made in good faith and the understatement of the amount in the return was not due to any fault of the taxpayer, there shall be no * penalty * *on the* additional tax, because of such understatement, *but interest shall be added to the amount of the deficiency at the rate of one-half of one per centum per month or fraction thereof from the time the said return was required by law to be filed until paid.* * If the understatement is * *false or* fraudulent with intent to evade the tax a penalty of one hundred per centum shall be added * *together with* interest on the tax * at the rate of one-*half of one* per centum per month *or fraction thereof from the time the said return was required by law to be filed until paid.* * Nothing contained in this section shall prevent the taxpayer from applying to the circuit court of the county or the corporation or hustings court of the city wherein he resides for a correction of the assessment made by the Department of Taxation with right of appeal in the manner now provided by law.

§ 58-440. * *Intangible personal property assessment sheets or forms.—The Department of Taxation shall prescribe and furnish assessment sheets or forms for the use of every commissioner of the revenue in making assessments of intangible personal property. These assessment sheets or forms shall be made out in as many copies as may be prescribed by the Department of Taxation. The original and, if the Department of Taxation so prescribes, one copy of each such sheet or form shall be delivered to the treasurer of the county or city; one copy shall be sent the Department of Taxation, and one copy shall be retained by the commissioner of the revenue. The commissioner of the revenue shall make out these assessment sheets or forms daily as and when returns are received, or in the case of additional assessments, as and when made, and shall continue so to make out such sheets or forms daily until all returns so received by him have been assessed on such sheets or forms; and the commissioner of the revenue shall each day deliver the original and, if the Department of Taxation so prescribes, one copy of each such sheet or form so made out that day to the treasurer of the county or city. Within ten days after the close of each month the commissioner of the revenue shall transmit to the Department of Taxation its copy of the assessment sheets or forms showing assessments made throughout such month. Intangible personal property shall not be entered on the personal property book.*

§ 58-441. When, * where *and how* taxes on intangible personal property payable * *and collectible.—* Each taxpayer liable for intangible personal property tax shall pay the same to the treasurer of the county or city with whose commissioner of the revenue the taxpayer files his return at the time fixed by law for filing the return. The full amount of the tax payable as shown on the face of the return shall be so paid.*

If any payment is not made in full when due, there shall be added to the entire tax or to any unpaid balance of the tax, as the case may be, a penalty of five per cent of the amount thereof, and the entire tax or any unpaid balance of the tax, as the case may be, together with such penalty, will immediately become collectible, and interest upon such tax or any unpaid balance of the tax, as the case may be, and on the accrued penalty, shall be added at the rate of one-half of one per cent per month or fraction thereof from one month after the tax or any unpaid balance of the tax, as the case may be, was originally due until paid; but in the case of an additional tax assessed by the commissioner of the revenue under the provisions of § 58-427, if the return was made in good faith and the understatement of the amount in the return was not due to any fault of the taxpayer, there shall be no penalty on the additional tax because of such understatement, but interest shall be added to the amount of the deficiency at the rate of one-half of one per cent per month or fraction

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thereof from the time the said return was required by law to be filed until paid.

In every case the taxpayer may make payment to the treasurer of the county or city by attaching to his return when he files it with the commissioner of the revenue a check or money order for the proper amount made payable to the order of "Treasurer of the County of.....", or "Treasurer of the City of.....", as the case may be; and the commissioner of the revenue shall transmit all such checks and money orders to the treasurer at the time he delivers to the treasurer the assessment sheets or forms showing the assessments, or if memorandum assessments are made, at the time such memorandum assessments are certified to the treasurer. In those counties in which a director of finance performs the duties of a county treasurer, checks or money orders shall be made payable to the order of "Director of Finance of the County of .....". If any check be not paid by the bank on which it is drawn, the taxpayer by whom such check was tendered shall remain liable for the payment of the tax and for all legal penalties and interest the same as if such check had not been tendered.

If the taxpayer on filing his return desires to pay in currency or coin, the commissioner of the revenue with whom the return is filed shall forthwith prepare a memorandum assessment on a form to be prescribed and furnished by the Department of Taxation and a copy of such memorandum assessment shall be immediately certified to the treasurer who shall receive the currency or coin from the taxpayer and give his receipt therefor. Memorandum assessments shall be subsequently entered by the commissioner of the revenue on the prescribed assessment sheets or forms; and the Department of Taxation may prescribe and furnish forms for making memorandum assessments in all additional cases in which, in the opinion of the Department, the same may be necessary to facilitate the assessment and collection of intangible personal property taxes.

Each county and city treasurer shall proceed promptly to collect all intangible personal property taxes for the tax year that have been assessed by the commissioner of the revenue and remain unpaid after the time fixed by law for payment and shall continue his efforts so to collect until the close of the then current calendar year. The collection of such taxes shall be enforced by legal process to the extent collection cannot be accomplished otherwise, and all remedies available to the treasurer for the collection of other taxes shall apply to the collection of intangible personal property taxes. Forms of necessary tax bills and receipts shall be prescribed by the Department of Taxation.

Within thirty-one days after the close of such calendar year the treasurer shall transmit to the Department of Taxation in such form as the Department of Taxation may prescribe such information and data as may be required by such Department with respect to all assessments made by the commissioner of the revenue during such calendar year as the treasurer was unable to collect. The Department of Taxation, upon receiving and examining the same, shall certify to the Comptroller the necessary information to enable the Comptroller to give such treasurer proper credit on the Comptroller's books for all unpaid items, and such treasurer shall not receive any of such taxes after he has transmitted such information and data to the Department of Taxation, but the same shall be paid directly into the State treasury. § 58-978 shall not apply with respect to the intangible personal property taxes covered by this paragraph.

The Department of Taxation shall have power to issue warrants for the collection of such taxes in the same manner and with the same effect as in the case of warrants issued for the collection of taxes assessed by such Department; and all provisions of law applicable to such warrants shall be applicable to the warrants issued for the collection of taxes under

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this section. The Department of Taxation shall also have power to collect the taxes aforesaid by other legal process.

2. This act shall apply to the assessment and collection of intangible personal property taxes for the tax year nineteen hundred and sixty-one and for every tax year thereafter until otherwise provided by law.

CHAPTER 509

An Act to require the State Library Board to have prepared and to erect an historical marker near the home of Judge Paul Carrington in Charlotte County.

[H 428]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The State Library Board is hereby directed to have prepared and to erect, prior to January one, nineteen hundred and sixty-one, an historical marker in an appropriate location on the highway in Charlotte County near Mulberry Hill, the home of Judge Paul Carrington, who was a member of the House of Burgesses, a patriot of the War of the Revolution, and a distinguished jurist.

2. There is hereby appropriated to the State Library Board out of the general fund of the State treasury a sum sufficient, not exceeding two hundred dollars, for the purposes set forth in this act.

CHAPTER 510

An Act to amend and reenact § 46.1-190 of the Code of Virginia, relating to reckless driving.

[H 432]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-190 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-190. A person shall be guilty of reckless driving who shall:

(a) Drive a vehicle when not under proper control or with inadequate or improperly adjusted brakes upon any highway of this State;

(b) While driving a vehicle, overtake and pass another vehicle proceeding in the same direction, upon or approaching the crest of a grade or upon or approaching a curve in the highway, where the driver's view along the highway is obstructed, except where the overtaking vehicle is being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway;

(c) Drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle;

(d) Pass or attempt to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways;

(e) Overtake or pass any other vehicle proceeding in the same direc-

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tion at any steam, Diesel or electric railway grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway, or while pedestrians are passing or about to pass in front of either of such vehicles, unless permitted so to do by a traffic light or police officers;

(f) Fail to stop at a school bus *whether publicly or privately owned and whether transporting children to, from, or in connection with, a public or private school* stopped on the highway for the purpose of taking on or discharging school children, when approaching the same from any direction and to remain stopped until all school children are clear of the highway and the bus is put in motion, provided, however, that this shall apply only to school buses marked or identified as provided in the regulations of the State Board of Education;

(g) Fail to give adequate and timely signals of intention to turn, partly turn, slow down or stop, as required by §§ 46.1-216 through 46.1-220;

(h) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time regardless of any posted speed limit;

(i) Drive a motor vehicle upon the highways of this State at a speed in excess of 75 miles per hour; except as provided in subsection (l) of this section;

(j) Fail to bring his vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching upon such highway within five hundred feet of such point of entrance, unless a "Yield Right of Way" sign is posted; or where such sign is posted, fail, upon entering such highway, to yield the right of way to the driver of a vehicle approaching on such highway from either direction; or

(k) Drive or operate any automobile or other motor vehicle upon any driveway or premises of a church, or school, or of any recreational facilities or of any business property open to the public, recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person.

(l) Drive a truck or tractor or tractor-truck, or a motor vehicle being used to tow a vehicle designed for self-propulsion, or a house-trailer, or combination of vehicles designed to transport property, upon the highways of this State at a speed in excess of 65 miles per hour.

CHAPTER 511

An Act to amend and reenact §§ 46.1-367 and 46.1-437 of the Code of Virginia, relative to staying the orders of revocation and suspension during the period of appeal.

[H 436]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.1-367 and 46.1-437 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-367. (a) Any person denied a license or whose license has been *revoked, suspended,* cancelled or rescinded under the provisions of this chapter may appeal within thirty days from the date of such act of the Division to any court of record having jurisdiction in the city or county wherein such person resides except the Circuit Court of the city of Richmond, and such court is hereby vested with jurisdiction and shall set the appeal for hearing upon ten days' written notice to the Commissioner, and the court sitting without a jury will hear the appeal and take testimony and examine into the facts of the case and determine whether

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the petitioner is entitled to a license under the provisions of this chapter. From the final judgment of any such court, either the person appealing or the Commonwealth shall have an appeal as a matter of right to the Supreme Court of Appeals.

(b) While an appeal is pending from the action of the Division denying a license or from the court affirming the action of the Division, the person aggrieved shall not operate a motor vehicle upon the highways of this State.

(c) An appeal from the order of the Commissioner *so suspending, revoking,* cancelling or rescinding the license or from the court affirming the order of the Commissioner shall not operate to stay the enforcement of the order. The appellant, at any time after appealing, may apply to the court to which he has appealed for a stay. The application shall be on motion after reasonable notice to the Commissioner and a stay pending the appeal * *may for good cause shown* be granted, provided the applicant enter into a proper bond to be determined by the court (not to exceed $1000) to observe the motor vehicle laws of this Commonwealth *unless it appears to the court that immediate enforcement of the order is essential to the public safety.*

§ 46.1-437. (a) Any person aggrieved by an order or act of the Commissioner requiring suspension or revocation of a license or registration under the provisions of this chapter, may, within thirty days from the date of such order or act, file a petition of appeal in the Circuit Court of the city of Richmond or any court of record having jurisdiction in the city or county wherein such person resides, which said courts shall have jurisdiction thereof, with a copy of said petition being sent to the Commissioner at the time of the filing of the same in the aforesaid court, and the original shall show by certificate the date of mailing such copy to the Commissioner. No appeal shall lie in any case in which the revocation of the license or registration was mandatory except to determine the identity of the person concerned when the question of identity is in dispute.

(b) Within thirty days thereafter, if such notice of appeal relates to an order or act of the Commissioner suspending or revoking a license or registration pursuant to the provisions of §§ * *46.1-430* or * *46.1-436* of this article, the Commissioner shall transmit to the clerk of the court to which the appeal is taken:

(1) A copy of the notice of hearing.

(2) A copy of the order appealed from.

(3) The transcript of the testimony together with a certificate that it is correct.

(4) The exhibits.

(c) The failure of the Commissioner to transmit the record within the time allowed shall not prejudice the rights of the appellant. The court, on motion of the appellant, may enter an order requiring the Commissioner to transmit the record on or before a certain date.

(d) The court, sitting without a jury, shall hear the appeal on the record transmitted by the Commissioner and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record, and the court shall receive such other evidence as the ends of justice require.

(e) The court may affirm the decision of the Commissioner or remand the case for further proceedings; or it may reverse or modify the decision if the findings, conclusion, or decision of the Commissioner are (1) in violation of constitutional provisions or (2) in excess of statutory authority or jurisdiction of the Commissioner; or (3) made upon unlawful procedure; or (4) affected by other error of law; or (5) unsupported by the evidence on the record considered as a whole; or (6) arbitrary, capricious, or an abuse of discretion; or (7) if such other evidence is

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heard may affirm, reverse or modify the decision as the ends of justice require.

(f) The filing of a notice of appeal shall not operate to stay the enforcement of the order. The appellant, at any time after the filing of his notice of appeal, may apply to the court to which he has appealed for a stay. The application shall be on motion after notice to the Commissioner, and a stay pending the appeal * *may for good cause shown* be granted, provided the applicant enter into proper bond in an amount to be determined by the court (not to exceed $1000) to observe the motor vehicle laws of this Commonwealth, unless it appears to the court that immediate enforcement of the order is essential to the public safety.

(g) From the final decision of the court of record, either the person who petitioned the court for an appeal or the Commissioner shall have an appeal as of right to the Supreme Court of Appeals of Virginia.

CHAPTER 512

An Act to amend and reenact §§ 1 and 2, as amended, of Chapter 202 of the Acts of Assembly of 1950, approved March 14, 1950, relating to the season in which squirrels may be lawfully taken in certain counties.

[H 454]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 1 and 2, as amended, of Chapter 202 of the Acts of Assembly of 1950, approved March 14, 1950, be amended and reenacted as follows:

§ 1. It shall be lawful to hunt, capture, take and kill squirrels in the counties of * Giles, *Carroll, Floyd, Patrick, Henry and Franklin* during the period beginning September fifteen of each year and extending through October * *fourteen* and then beginning on the third Monday in November and extending through January one following * and in the * *county of Grayson* during the period beginning September * *fifteen* of each year *and extending through September thirty, and then beginning on the third Monday in November,* and extending through January * *one* following. The right of certain persons to hunt squirrels on their own lands shall not be affected hereby.

§ 2. Notwithstanding * *any other provision of law,* it shall be lawful to hunt, capture, take and kill squirrels in the county of Scott during the period beginning September fifteen of each year and ending September thirtieth following and beginning again on the third Monday in November and ending on January * *fifteenth* following.

CHAPTER 513

An Act to amend and reenact §§ 15-285 and 15-290 as amended, of the Code of Virginia, relating, respectively, to the duties of the county executive and to the department of public welfare in certain counties.

[H 455]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 15-285 and 15-290 as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-285. The county executive shall be the administrative head of the county. He shall attend all meetings of the board of county supervisors

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and recommend such action as he may deem expedient. He shall be responsible to the board of county supervisors for the proper administration of all the affairs of the county which the board has authority to control.

He shall also:

(1) Make monthly reports to the board of county supervisors in regard to matters of administration, and keep the board fully advised as to the financial condition of the county.

(2) Submit to the board of county supervisors a proposed annual budget, with his recommendations, and shall execute the budget as finally adopted.

(3) Execute and enforce all resolutions and orders of the board of county supervisors and shall see that all laws of the State required to be enforced through the board of county supervisors or some other county officer subject to the control of the board of county supervisors are faithfully executed.

(4) Examine regularly the books and papers of every officer and department of the county and report to the board of county supervisors the condition in which he finds them.

(5) Perform such other duties as may be required of him by the board of county supervisors, *and as may be otherwise required of him by law.*

§ 15-290. The superintendent of public welfare, who shall be head of the department of public welfare, shall be chosen from a list of eligibles furnished by the State Commissioner of Public Welfare. He shall have charge of poor relief, charitable and correctional institutions and may, at the discretion of the board of supervisors, have charge of parks and playgrounds, and shall exercise all the powers conferred and perform all the duties imposed by general law upon the county board of public welfare, not inconsistent herewith. He shall also perform such other duties as may be imposed upon him by the board of county supervisors.

The board of county supervisors may select two qualified citizens of the county, who shall serve without pay, and who, together with the head of the department shall constitute the county board of public welfare, *provided that in any county having a population of not less than twenty-six thousand six hundred and not more than twenty-six thousand six hundred and eighty, the county executive thereof shall also be a member of such board.* Such board shall advise and cooperate with the department of public welfare and shall have power to adopt necessary rules and regulations not in conflict with law concerning such department. The board may at any time be abolished by the board of county supervisors.

CHAPTER 514

An Act to amend the Code of Virginia by adding a section numbered 14-66.2, to increase the maximum salaries of attorneys for the Commonwealth.

[H 458]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 14-66.2 as follows:

§ 14-66.2. The maximum salary brackets provided for attorneys for the Commonwealth by § 14-66 applicable to each attorney for the Commonwealth shall be increased by ten per centum.

2. This Act shall become effective July one, nineteen hundred sixty.

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CHAPTER 515

An Act to amend and reenact § 1 of Chapter 18 of the Acts of Assembly of Extra Session, 1959, approved February 4, 1959, which authorized certain counties and towns to expend general funds to provide sources of public water supply.

[H 462]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Chapter 18 of the Acts of Assembly of Extra Session, 1959, approved February 4, 1959, be amended and reenacted as follows:

§ 1. The governing bodies of any county having a population of more than twenty-six thousand six hundred but less than twenty-six thousand six hundred seventy-five, and of any county having a population of more than thirty-four thousand but less than thirty-five thousand and of any county having a population of more than twelve thousand eight hundred but less than thirteen thousand, *and of any county having a population of more than twenty thousand but less than twenty-one thousand and adjoining a city having a population of more than forty-five thousand, and of any county having a population of more than thirteen thousand five hundred but less than fourteen thousand fifty, and of any county having a population of more than ninety-nine thousand and less than one hundred thousand, and of any county having a population of more than twenty-eight thousand and not more than twenty-nine thousand,* and of any town in such county, are authorized to make expenditures from the county or town general fund in order to acquire land, participate in the construction of dams and perform all other necessary acts for the purpose of providing sources of public water supply for the agricultural, *residential, governmental* and industrial development of the county or town.

CHAPTER 516

An Act to authorize the governing bodies of certain counties, cities and towns to construct dams, levees, sea walls and other structures and devices for the purpose, among others, of preventing flooding or inundation by sea or tidal waters; to declare same a governmental function; and to prohibit certain proceedings in connection with the design, maintenance, operation or existence of any such improvements and facilities.

[H 465]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. (a) Any county, city or town may construct a dam, levee, sea wall or other structure or device, hereinafter referred to as "works", a purpose of which is to prevent the flooding or inundation of such county, city or town, or part thereof, by surrounding or nearby sea or tidal waters. The design, construction, maintenance and operation of any of such works is hereby declared to be a proper governmental function for a public purpose.

(b) The General Assembly hereby withdraws the right of any person, firm, corporation, association or political subdivision to bring, and prohibits the bringing of, any action at law or suit in equity against any county, city or town because of, or arising out of, the design, maintenance, operation

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or existence of such works but nothing herein shall prevent any such action or suit based upon a written contract.

CHAPTER 517

An Act to amend and reenact §§ 28-39, as amended, 28-43, 28-44, 28-45, as amended, 28-57.1, 28-61, 28-71, 28-93.1, as amended, 28-95, as amended, 28-99, 28-100, 28-103, as amended, 28-108, 28-110, 28-123, as amended, 28-124, as amended, 28-136, as amended, 28-137, 28-137.1, as amended, 28-141, 28-142, 28-157, 28-170, as amended, 28-171, 28-172, 28-178, as amended, 28-187, 28-188, 28-191, 28-195, as amended, 28-201.1, as amended, of the Code of Virginia, and to further amend the Code of Virginia by adding to Title 28 three new sections numbered 28-45.01, 28-162.1 and 28-201.4, all of which sections relate to fish, oysters, shellfish, crabs, clams and other seafoods, the setting, taking, catching the same, and transporting and marketing seafood, in "Tidewater Virginia", the rentals, licenses, taxes and other fees imposed in connection therewith and collected by the Commission of Fisheries, and the policing of the fish, oyster and seafood industries within the jurisdiction of the Commission of Fisheries, and to repeal §§ 28-102, 28-144, 28-163 and 28-164 of the Code of Virginia.

[H 472]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 28-39, as amended, 28-43, 28-44, 28-45, as amended, 28-57.1, 28-61, 28-71, 28-93.1, as amended, 28-95, as amended, 28-99, 28-100, 28-103, as amended, 28-108, 28-110, 28-123, as amended, 28-124, as amended, 28-136, as amended, 28-137, 28-137.1, as amended, 28-141, 28-142, 28-157, 28-170, as amended, 28-171, 28-172, 28-178, as amended, 28-187, 28-188, 28-191, 28-195, as amended, 28-201.1, as amended, of the Code of Virginia be amended and reenacted as follows and that the Code of Virginia be further amended by adding to Title 28 three new sections numbered 28-45.01, 28-162.1, and 28-201.4, as follows:

§ 28-39. Fees.—Each inspector, agent or officer shall collect the following fees for services herein enumerated in the issuance of licenses: One dollar *and fifty cents* for assigning oyster-planting grounds; * *three* dollars for assigning of bathing grounds; * *one dollar* for issuing permits * *as required by this Chapter;* * *three* dollars for making sale where there is a default in ground rent, and such other fees as are specified under other sections of this title pertaining to fish, crabs, clams and other shellfish.

§ 28-43. License tax for fishing in tidal waters; register mark.—(1) Amount of tax; to whom paid.—Every resident who shall apply for license to catch or take fish from the tidal waters of the Commonwealth, or the waters within the jurisdiction of the Commonwealth, shall pay to the oyster inspector of such district a specific license tax, which shall be in lieu of all taxes levied upon such persons for taking and catching fish, or for selling the product thereof, as follows:

(a) On each pound net * *five* dollars and fifty cents.

(b) On each float or stake gill net of six hundred feet in length and under, * *three* dollars; and for each additional thirty feet or fraction thereof, * *fifteen* cents;

(c) On each thresh net, skirt net, or similar device, * *three* dollars;

(d) On each fyke net head, weir, or similarly fixed device, * *two dollars* and fifty cents;

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(e) On catfish or eel pots not exceeding five in number, * *two dollars* and fifty cents; on each additional pot on the same license, * *fifteen* cents;

(f) On each fish trot line, * *two dollars* and fifty cents;

(g) On each person using or operating a fish dip net, * *two dollars;*

(h) On each haul seine * *used* for catching fish, * *under five hundred yards in length, seven dollars and fifty cents;*

(i) On each drift haul net * *used for catching fish, from five hundred yards in length to one thousand yards in length, forty-five dollars;*

*

(j) On each haul seine operated by steam-power, seventy-six dollars;

(k) On each sturgeon gill net or trammel net, * *seven dollars and fifty cents;*

(l) On each sturgeon sweep net or haul seine, thirty-eight dollars.

(2) Licenses for other devices.—The Commission of Fisheries shall have power to establish a license commensurate with other licenses in an amount not less than one dollar nor more than one hundred dollars for any device used for taking fish or shellfish in the waters of the Commonwealth, or waters under the jurisdiction of the Commonwealth, that is not mentioned above, and which has been put in use.

(3) Register mark and how displayed; length of seine.—Inspectors issuing such licenses shall furnish to the person to whom such licenses are issued a number or register mark, to be placed by the fishermen on their boats or fixed fishing devices. Provided, however, that it shall be unlawful for any person, firm, or corporation to use, operate, set, or cause to be used, operated, or set any such drift, or haul seine exceeding in length five hundred yards unless authorized by the Commission of Fisheries. If the license be for a fixed fishing device, the holder of the license shall fasten such register mark or number securely to one of the offshore stakes of the fishing device, but such device may be moved at any time within the same inspection district during the season for which the license therefor has been secured with the approval in writing of the inspector without the payment of any additional license. If the license be for a haul seine, drift net, purse net, or similar fishing device, the holder of such license shall fasten the register mark or number securely at a conspicuous place on the starboard side of the boat used in fishing such device.

(4) Penalty for violation.—Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than fifty dollars for each offense.

§ 28-44. License tax for salting or buying herring, etc., for market.—Every person, firm, or corporation salting or buying and packing herring, or packing fish roe, for market or profit, shall pay a license tax of * *twelve* dollars to the inspector.

§ 28-45. Size of fish that may be caught.—It shall be unlawful to take, catch or have in possession any sturgeon less than five feet in length; or any rock fish of less than twelve inches in length or more than twenty-five pounds in weight except that rock fish more than twenty-five pounds in weight may be lawfully taken by hook and line or lure; or any trout less than nine inches in length; or any spot less than six inches in length; or any bluefish less than eight inches in length; or any bonito fish less than twenty inches in length; or any croakers (grumblers) less than seven inches in length; or any black drum bass less than twelve inches in length; or any red drum bass less than twelve inches in length; or any hog fish less than six inches in length; or any mackerel less than ten inches in length; or any mullets less than six inches in length; or any pompanos less than seven inches in length; or any porgie or moon fish less than ten inches in length; or any star-butter fish less than six inches in length; or any other butter fish less than seven inches in length; or any roundhead or sea

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mullet less than seven inches in length; or any sea bass less than five inches in length; or any sheepshead less than twelve inches in length; or any black bass less than eight inches in length; or any mud shad less than seven inches in length; or any white sand perch less than five inches in length; or any yellow or ring perch less than seven inches in length; or any blue nose perch less than seven inches in length; or any bream less than eight inches in length; or any hickory shad or any other shad less than ten inches in length; or any bullhead catfish less than nine inches in length; or any Mississippi or blue channel catfish less than eleven inches in length; or any white channel catfish less than ten inches in length * ; *or any flounder less than twelve inches in length.* All such measurements are to be from nose to tip of tail.

Any such fish caught by any person shall be at once returned to the water; and in order that any such fish caught in any fixed fishing device may be returned to the water alive, all persons fishing such devices shall cull out and return to the water all such fish as they are taken from the net and before placing the same inside of their boat.

*

Whenever any fisherman or dealer or any other person, each of whom is herein called owner, has in his possession a lot or quantity of fish which weighs more than one hundred pounds in the aggregate, a one hundred pound lot may be separated from the whole lot or quantity, but without selecting the fish so separated according to size, and if it is found that in such a lot so separated the number of fish under the minimum size prescribed herein equals or exceeds ten per centum of the whole number of fish in the lot so separated, such owner shall be deemed to be guilty of violating the provisions of this section. In the event the owner has in his possession a lot or quantity of fish which weighs not more than one hundred pounds and it is found that in such lot the number of fish under the minimum size prescribed herein equals or exceeds ten per centum of the whole number of fish in such lot, such owner shall be deemed to be guilty of violating the provisions of this section.

If any dealer offers for sale any fish under the sizes hereinbefore stated, he shall be deemed guilty of violating the provisions of this section.

§ 28-45.01. Only two channel bass (red drum) over thirty-two inches in length may be taken in any one day by any person.

§ 28-57.1. Dipping for herring in the waters of Chappoke's, Ward's and Powell's creeks.—It shall be lawful for any person to dip for herring not for commercial purposes in any waters of Chappoke's, Ward's and Powell's creeks north of State Highway number ten, for which an annual dip net license fee of not more than * *two dollars* may be charged.

Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not less than ten dollars nor more than twenty-five dollars.

§ 28-61. License to take fish with purse nets for such manufacture. —(1) Residents.—Any resident person, firm or corporation entitled by law to fish in any of the waters of this Commonwealth or waters within the jurisdiction of this Commonwealth, desiring to take or catch fish therein with purse nets for the purpose of manufacturing them into oil, fish scrap, fish meal or manure, or for any other purpose, shall first obtain a license therefor, and shall pay to the oyster inspector a specific license tax, which shall be in lieu of all taxes levied upon such person, firm or corporation for taking and catching fish with purse nets, or for selling the products thereof, as follows:

(a) On each sail vessel fishing with purse net of not more than four hundred meshes deep, * *twenty-two* dollars *and fifty cents;*

(b) On each sail vessel fishing with purse net of more than four hundred meshes deep, * *seventy-five* dollars;

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(c) On each power boat or steam vessel of over twenty horse power fishing with purse net, one dollar *and fifty cents* per gross ton, provided the minimum license shall not be less than one hundred *and fifty* dollars and the maximum not more than * *three* hundred dollars;

(d) On each power boat or steam vessel of not over twenty horse power, fishing with purse net, * *thirty-seven* dollars *and fifty cents.*

Such oyster inspector shall thereupon grant a license to use such net or other device, and state in such license the name or names of the person or persons who shall use the same, and the amount of tax as prescribed by law; and the term for which such license is granted shall begin on the first day of January in any year and end on the thirty-first day of December of the same year.

It shall be lawful for a resident of this State, except such persons, firms or corporations as may be engaged in the taking or catching of fish for the purpose of manufacturing the same into oil, fish scrap, fish meal or manure, to employ any vessel or net owned within or without this State for the purpose of taking and catching fish.

Nothing in this section shall be construed to permit fishing in rivers or other waters prohibited by law, or in seasons prohibited by law.

(2) Nonresidents.—Any nonresident person, firm or corporation may be licensed to take and catch fish known as "menhaden" with purse nets within the season permitted by law, under the provisions of § 28-62, within the three mile limit on the seacoast of Virginia and east of a straight line drawn from Cape Charles Light House to Cape Henry Light House upon compliance with the provisions of such section.

(3) Penalty for violation.—Any person, firm or corporation violating the provisions of this section shall be fined not less than five hundred nor more than two thousand dollars. And all purse nets, seines, vessels, steamers, or other craft and all fishing tackle, machinery, or other thing unlawfully used by such person, firm or corporation in taking, or catching fish, or manufacturing them into oil, fish scrap, fish meal, or manure shall be forfeited to the Commonwealth.

§ 28-71. A license to fish in the above area with a trawl net or similar device will be granted upon payment of a fee of * *thirty-seven* dollars *and fifty cents* per annum for each boat so employed, and no part of this fee will be refunded should the area be closed at the order of the Commissioner of Fisheries.

§ 28-93.1. It shall not be lawful for any person to use or employ patent tongs for the purpose of taking or catching oysters, shells or clams from the natural rocks, beds or shoals of the State at any time, except during the months of October, November and December of each year; provided, that the Commission of Fisheries may open or close or shorten the period when it shall be lawful to use patent tongs at times other than those above set forth, but in no event shall it be lawful to use patent tongs more than three months during any twelve month period; and provided that in the waters on the western side of the Chesapeake Bay between Smith's Point and Wolf Trap Lighthouse, where the use of patent tongs is now permitted, such patent tongs may be used during the months of January, February, October, November and December of each year. It shall not be lawful for any person to use patent tongs in the waters of the James, Nansemond, East, or Piankitank rivers at any time, and in the Rappahannock river the use of patent tongs shall not be permitted above a line drawn from Towles Point on the north side of the Rappahannock to Burhan's wharf on the south side of said river, *which line begins at a United States Coast and Geoditic Survey Triangulation Point, Towles Number 2, located on the southernmost point of Towles Point, north side of Rappahannock river, Lancaster county, thence south 14° 25' west (true) approximately eleven thousand four hundred feet to survey*

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station "Burr" located in shore and in line with the ruins of Burhan's wharf on the south side of the Rappahannock river in Middlesex county. This area is to include all of the Rappahannock river and its tributaries, above the described line, to the head waters of said river; but the use of patent tongs below such line may be permitted with the consent of the Commission, except that it shall be lawful to take clams with patent tongs in the channel of the James river in water not less than twenty feet in depth between Newport News point and the upper end of the Newport News Ship Building and Dry Dock Company's plant. The Commission of Fisheries is hereby authorized, in its discretion, to prohibit the use of patent tongs at any time in the taking of oysters, clams, or shells from the natural beds, rocks, or shoals in the waters of the Commonwealth or in the waters under the jurisdiction of the Commonwealth.

§ 28-95. The Commission after public hearing may make such rules and regulations, and at any time, modify the same, prohibiting or restricting the taking or catching of fish and all shellfish or any one or more of the aforesaid specified classes, or the method by which the same shall be taken, the closing or opening of any specified area, for the taking or catching of same, *or prohibit, control or restrict the transportation of all seafoods and all living marine organisms, including oyster shells,* or any one or more of them, or any devices or methods used in connection therewith, which rules and regulations shall have the full force and effect of law; and any violation thereof is hereby declared to be a misdemeanor and punishable as such. Before, however, such rules and regulations shall be effective, they shall be posted by the oyster inspector or deputies in two or more public places in each inspection district where applicable for at least ten days; and a certificate of such oyster inspector or deputy showing that the same has been posted shall be conclusive evidence thereof; provided, however, that should the Commission, in the exercise of the authority hereby given, by rule or regulation, so prohibit or restrict the taking of fish or shellfish to such an extent that the industry affected by such rule or regulation of necessity will have to suspend operations, in that event the Commission shall suspend the enforcement of such rule or regulation until the adjournment of the next General Assembly of Virginia.

No rule shall hereafter be promulgated unless and until the express terms of an information summary of the proposed rule has been published by the Commission at least once in at least three newspapers published in the Tidewater section of the Commonwealth, or if the rule has only local application, in the locality to which it applies, and a copy has been filed in the office of the Division of Statutory Research and Drafting, where it shall be subject to inspection during office hours by any person. Such publication and filing must be not less than fifteen nor more than thirty days prior to the day on which the public hearing on the proposal is to be held. The published notice shall include a statement of the time, place and nature of the hearing and exact reference to the authority under which the rule is proposed.

A public hearing shall be held by the Commission at the time and place named in the notice required by this section, and opportunity shall be afforded all interested persons to be heard and to submit objections, amendments, evidence and arguments. The rule may be adopted in the form in which it was filed, or as amended at the hearing, provided the amendments do not alter the main purpose of the rule.

The Commission of Fisheries may regulate the setting of any device for the purpose of taking or catching fish as in their discretion is to the best interests of the industry, and such regulation shall have the full force and effect of law.

Whenever any rule or regulation is adopted under this section, the Secretary of the Commission shall file a certified copy thereof in the clerk's

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office of each county within the jurisdiction of the Commission, as such jurisdiction is prescribed in § 28-3 of the Code. A copy duly certified by the Secretary of the Commission, or presentation of the copy theretofore filed with the clerk of any court, shall be conclusive evidence in all courts of the Commonwealth of the due adoption thereof. The clerk of each court with whom any such rules and regulations are filed shall keep and index same in a specific book for the purpose.

§ 28-99. Any resident of this State having a boat to be used in taking or catching oysters with tongs from the natural rocks, beds or shoals shall apply to the inspector of the district where he resides to have the boat registered.

The inspector shall register such boat and prescribe for it a number. For such registration annually the owner shall pay to the inspector, for all kinds of boats, a registration fee of * *one dollar.*

Where patent tongs are to be used on any such boat, the inspector shall register, and number the boat as follows: The stamp or mark shall be "P. T.", and the number of boat registered, and the year in which registered.

Where ordinary tongs are to be used, the inspector shall register and number such boats as follows: The stamp or mark shall be "O. T." and the number of boat registered, and the year in which registered.

§ 28-100. * *All purchasers, planters, packers or shippers shall keep a strict account of all oysters which are taken or purchased from either public or private grounds, from any of the waters of the Commonwealth of Virginia, or from any of the waters under the jurisdiction of the Commonwealth of Virginia, or from any of the waters under the joint jurisdiction of the Commonwealth of Virginia.*

The purchasers, planters, packers or shippers shall pay a tax, to be known as inspection tax, to the Commonwealth of Virginia, or to the person authorized to receive the same, of not more than one and one-half cents for each bushel of oysters taken, caught or purchased, or two cents per gallon of all shucked oysters, it being the intent and purpose of this article to impose a tax upon all oysters taken, caught or purchased from the above mentioned areas, except those which are to be replanted in the waters of this Commonwealth.

The tax shall be collected by the District Inspector or police-boat captain from the owner, master or operator of any boat or vessel, motor vehicle, or the purchaser or shipper, regardless of whether he is a packer, planter or an individual working on public grounds, immediately when each boat, vessel or motor vehicle is loaded, when the oysters do not go to a shucking or packing house. If the oysters are going to a shucking or packing house located in the Commonwealth of Virginia for their use, then the tax shall be collected from the shucking house or packer. The tax shall be paid by such shucking house or packer between the first and tenth day of each month immediately following that in which such oysters are shucked, barrelled, packed or marketed.

All purchasers, planters, packers or shippers shall keep an accurate and complete itemized daily record of oysters barrelled, packed, shucked or marketed by them in a book to be kept for that purpose, which book will also indicate the number of bushels of oysters, before shucking, which came from public grounds and the number which came from private grounds. This book shall at all times be open for inspection by the Commissioner or any employee designated by him to inspect the same; and a failure to keep such a record shall be unlawful and shall be punishable as hereinafter provided.

§ 28-103. It shall be the duty of the oyster inspector in whose district a cargo of oysters is to be loaded, *or a police-boat captain in the area,* to inspect such oysters as they are loaded and to see that all measurements

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are a full measure of oysters as defined in § 28-188; *and that they are properly culled; and* when such oysters are loaded to collect the *inspection* tax, * *bushel tax and/or the out-of-State tax, whichever one or more of these taxes will be due and payable to the Commonwealth. The inspector or police-boat captain shall furnish the owner, master or operator of such boat, vessel or motor vehicle a receipt showing the date, the destination, the number of bushels and the amount of each tax paid. This receipt is to be carried in the possession of the master or operator of the boat, vessel or motor vehicle and must be exhibited when requested by any oyster inspector or police-boat captain, a copy of which receipt shall be sent to the office of the Commission of Fisheries.*

§ 28-108. Records to be kept by transporters.—Any person, firm or corporation engaged in the business of transporting shellfish within the State, either within the State or to a point outside of the State by truck, boat or otherwise, shall keep an itemized daily record of the number of bushels and/or gallons of oysters so transported. Such record shall be *carried on the boat, truck or other vehicle and* open at all times for inspection by the auditor of the Commission of Fisheries, any inspector or deputy inspector of the Commission of Fisheries, or any person so designated by the Commissioner of Fisheries.

§ 28-110. Carrying oysters out of State, or buying for that purpose.—(1) Permit required.—It shall be unlawful for any person, firm or corporation to carry, or attempt to carry, or to buy for the purpose of carrying out of this State, any oysters taken from the natural rocks, beds, or shoals in the waters of this Commonwealth until he has first obtained for each cargo a permit to do so from the inspector from whose district the cargo is to be taken, or from the captain of one of the oyster police boats, and has paid to the inspector or police-boat captain the required tax per bushel on the number of bushels in the cargo. Such permit shall be signed by the Commissioner of Fisheries and countersigned by the inspector or police-boat captain; and it shall be the duty of the Commissioner to grant such permit, and designate the tax to be paid of not more than * *three* cents per bushel on each bushel of oysters, whenever after examination by him of the seed areas he shall ascertain that it will not injure or deplete the seed areas to grant such permits, and that the supply of seed oysters is in excess of demand for seed oysters by planters in the State of Virginia; and provided that the Commissioner shall have power to cease granting of such permits whenever he shall ascertain that the seed areas are becoming depleted, and that to continue to grant such permits would seriously injure the same.

(2) Penalty for violation.—Any person violating the provisions of this section, shall upon conviction thereof be confined in the penitentiary for one year or, at the discretion of the jury, may be confined in jail not exceeding one year, and fined not exceeding five hundred dollars.

(3) Forfeiture of boats, oysters, etc.—All boats and vessels, motor vehicles and other conveyances together with their tackle used in violating this section, and all oysters found thereon, shall be forfeited to the Commonwealth, in proceedings as provided for the enforcement of forfeitures.

(4) Aiding or abetting violation of section.—If any oyster inspector or other person shall knowingly aid and abet, or shall collude with any person in the violation of this section, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be confined in jail not exceeding six months and fined not exceeding five hundred dollars, either or both.

§ 28-123. Assignments of planting grounds to riparian owners.—Any owner of land having a waterfront thereon suitable for planting oysters, whose shore front measures at least one hundred five feet at the

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low water mark, who has not had as much as one-half acre of ground already assigned him on such front, or whose lease has terminated and is not to be renewed, may make application for planting ground to the inspector for the district in which the land lies, who shall assign to him such ground, wherever such owner may designate in front of his land, not exceeding in area one-half acre, to be not less than one hundred and five feet wide at its narrowest width, the same to be surveyed, platted, marked, assigned and recorded, in all respects as provided for assignments to persons in the next succeeding section. The one-half acre hereinabove mentioned shall begin at low water mark. For assigning to riparian owners, the surveyor shall receive fees as provided in § 28-124(7) of the Code of Virginia. Such owner shall have the exclusive right to the use thereof for the purpose aforesaid, such assignment to pass with the land to any subsequent owner. If any portion of such waterfront be assigned to a riparian claimant, which at the time is occupied by others with oysters actually planted thereon, the person occupying the same shall have eighteen months in which to remove such oysters, and such riparian claimant shall pay all survey and assignment and recording charges, incurred in connection with the transfer of said riparian oyster-planting ground.

This section, so far as the quantity of land to be assigned to and held by riparian owners is concerned, shall not apply to the counties of Northampton and Northumberland, but section six of chapter two hundred and fifty-four, acts eighteen hundred and eighty-three and eighteen hundred and eighty-four, shall continue in force as to such counties, but nothing herein contained shall be construed as authorizing a rental of less than one dollar *and fifty cents* per acre for riparian owners in the above-named counties of the land assigned them as such riparian owners; provided, that nothing in such section which restores to riparian owners in such counties one-fourth of their respective waterfronts, suitable for planting oysters, shall be so construed as to permit the owners of waterfronts to compel occupants of such fronts to remove their oysters from any fourth of such shores, if the residue of the shore be already in his, the landowner's possession, or be unoccupied; and provided, further, that this section shall not apply to riparian lands located in the city of Norfolk, Virginia, or to any owner of land located in said city, and having a waterfront.

Nothing in this section shall be construed to prevent the erection by riparian landowners of wharves, landings or other structures as otherwise permitted by law.

§ 28-124. Public oyster-planting grounds.—(1) Grounds comprising. —The residue of such waterfront in excess of what is already assigned or is reserved for the riparian owners, and the residue of the beds of the bays, rivers, creeks, and shores of the sea other than *those within the limits of navigation projects adopted and authorized by the Congress and those required for the disposal of materials dredged incident to the maintenance of such projects, and other than* natural oyster beds, rocks or shoals, as defined by law and included in the Baylor survey, may be occupied for the purpose of planting or propagating oysters thereon.

(2) Eligible applicants; provisions of section incorporated in lease.— Application for assignment of oyster-planting ground may be made by any resident of the State, or by any firm, or corporation chartered under the laws of this State for the purpose of oyster culture and the oyster business; and it shall be lawful for nonresidents to be stockholders in such a firm or corporation provided such firm or corporation employ only resident labor in planting, cultivating, selling and marketing the oysters grown on the ground or land so occupied, and provided its principal place of business for selling and marketing such oysters be maintained within this State; and the provisions of this section shall be incorporated in any

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lease of oyster ground to any such firm or corporation, and the violation thereof shall forfeit the lease.

(3) Application for assignment.—All applications for assignment of oyster-planting grounds shall be made in writing to the inspector of the district wherein the ground lies, in duplicate. The application shall state as near as may be the number of acres applied for and definite location, with the name of one or more prominent points or objects adjacent to such ground. A duplicate copy of this application shall be immediately forwarded to the office of the Commission of Fisheries by the inspector. It shall be the duty of any resident, firm or corporation desiring to obtain a location for planting or propagating oysters to apply to the inspector of the district in which such land lies to have the location ascertained, designated, surveyed and assigned.

(4) Publication of notice of application.—No assignment shall be made of any piece of ground containing more than ten acres until notice of application has been published once a week for at least four weeks in some newspaper published in the county wherein the ground lies; and if no newspaper be published in the county, then it shall be published once a week for at least four weeks in some newspaper having general circulation therein. This provision is in addition to the sixty-day posting of the application required.

(5) Posting notice of application.—Notice of the application shall be posted by the inspector for not less than sixty days at the courthouse of the county in which the ground lies, and at two or more prominent places in the vicinity of such ground.

(6) Survey and marking of ground.—Sixty days after posting of the notice of application, the inspector shall notify the county surveyor, or such surveyor as may be designated by the Commission of Fisheries, to proceed to survey the ground, conforming to the rules and regulations of the Commission of Fisheries, and make a plat in duplicate of the same. The surveyor shall forward the plat of survey to the office of the Commission of Fisheries to be approved by the engineer of the Commission within thirty days, before same is assigned by the inspector. The ground shall be marked at the expense of the applicant, at the time the survey is made, and at the direction of the surveyor, with suitable stakes, smooth and free from snags and spurs; provided that where the War Department of the United States Government forbids the use of such stakes on account of interference with navigation, such other markers, as may be permitted by the War Department and approved by the Commission of Fisheries, may be used instead of stakes; and such suitable stakes or other markers, as aforesaid, shall be kept by the lessee in their proper places at all times during the continuance of such lease, so as to conform accurately to the survey. Should such stakes or other markers be removed, rot down, or be carried away, the lessee shall replace them in their proper places; and if he fails to do so within thirty days after being notified by the inspector of the district in which the ground lies, the lessee shall have no claim against any person for trespassing on the ground in any manner.

(7) Fees of surveyor.—Any applicant for oyster-planting ground shall *pay an application fee of twenty-five dollars and in addition shall* pay to the surveyor for his services five dollars for the first five acres or less; one dollar per acre or fraction thereof for each acre more than five and up to and including ten acres; fifty cents per acre or fraction thereof for each acre more than ten and up to and including thirty acres; twenty-five cents per acre for each acre and fraction thereof more than thirty acres up to and including fifty acres, and ten cents per acre for all over fifty acres; and for drawing plat of ground (which shall be in duplicate), one dollar per corner for each corner up to and including four corners, and fifty cents per corner for all additional corners over four. The surveyor

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shall have the same privileges and rights as to the collection of his fees as does the inspector.

(8) Restrictions on assigned acreage and applications.—No assignment, except in Chesapeake Bay, shall exceed two hundred and fifty acres. No applicant, after having had as much as two hundred and fifty acres of oyster ground assigned to him, shall again make application for another assignment of oyster grounds within six months from the day his assignment was recorded and completed as the statutes hereinafter provide. If an assignment be not made within six months after the expiration of the notice required by statute to be posted for sixty days, such application shall, upon the expiration of the six months, lapse and become null and void, unless an extension is allowed by the Commission, of not more than ninety days, provided, however, that in cases where a protest has been filed with the Commission against the granting of an application, the application shall not lapse until the Commission has finally acted upon the application.

(9) Restriction on acreage owned or operated.—No person, firm or corporation shall own or operate more than three thousand acres of oyster grounds in the waters of this State other than the Chesapeake Bay; and should ground in excess of three thousand acres be acquired by original assignment to the assignee, or be assigned to him or them by a lawful holder of such oyster ground, or as heir or distributee, or by devise or bequest, he or they shall, nevertheless, have a right to lawfully hold the same for and during the period of one year and shall have a legal right to assign the same. Should no assignment be made within one year, the oyster-planting ground so acquired, in excess of three thousand acres, shall revert to the Commonwealth of Virginia, and may be applied for by any person having a legal right to do so.

(10) Application for planting ground in Chesapeake Bay; acreage allowed; annual rental.—Application for planting ground in Chesapeake Bay in waters from fifteen feet or more in depth shall be made to the Commission of Fisheries, which shall have the right to accept or reject any such application as it may deem best for the public interests; and the number of acres to be assigned to any applicant shall not exceed five thousand acres, provided that such assignment shall not interfere with the established fishing rights. Any such application, surveying, and marking shall conform to the law pertaining to oyster-planting grounds. The annual rental per acre in the Chesapeake Bay, in waters from fifteen feet or more in depth, shall be such an amount per acre as the Commission of Fisheries may designate, but in no case shall it be less than * *seventy-five* cents per annum per acre.

(11) Application for other planting grounds.—After notice of an application has been posted and/or published for sixty days as hereinbefore required, the ground surveyed, and plat made in duplicate, the inspector shall assign the ground to the applicant; provided that, if in the judgment of the Commission of Fisheries it shall be wise to do so; and further provided that the applicant pay to the inspector the surveying charges *as provided in paragraph (7),* if the survey is made by an agent of the Commission of Fisheries, and the annual rental * *and in addition, ten dollars for services and recording fees.* When these provisions have been met, the inspector shall then assign the ground to the applicant, and no person, firm, or corporation shall be considered a lawful renter of oyster-planting ground until he shall have first complied with these provisions.

(12) Payment of annual rental to inspector; penalty for default.—Such an applicant shall pay to the inspector the annual rental for such ground at the rate of one dollar *and fifty cents* per acre *or any fraction thereof,* per annum, except as provided for in the Chesapeake Bay, and for bathing ground *; such rental to be due on the first day of September of each year after the date of assignment; and if not paid on or before De-

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cember fifth, a five per centum penalty shall be added to the annual rental charge, and the inspector may proceed to levy for rental and penalty.

(13) Duration of assignment; renewal of lease.—Each assignment shall continue in force for a period of twenty years from the date of assignment; *but in so far as the rate of rent is concerned, those assignments or renewals of leases for oyster ground, wherever located within the State, made during the period from July 1, 1960, to July 1, 1962, the present amount of annual rental, for all ground, shall only be effective until July 1, 1962, and will be subject to continuation or adjustment at that time, but any and all other rights conveyed by any such contract of lease shall continue for the full term of the lease. This provision shall be so stipulated in each assignment or renewal;* and if such applicant shall hold such ground for the full period of twenty years and at the expiration thereof decide to continue to hold the same and to have the lease renewed, then, provided such ground is still open to lease under the then existing law, such applicant shall have prior right over all others for a renewal of the lease of the ground; subject to any such laws or regulations as the General Assembly may enact or prescribe, and to such rental as may be then fixed by law. The interest in such ground shall be construed as a chattel real, and at the death of the renter pass into the hands of the personal representatives for the benefit of any creditors or heirs of the decedent. Should any lessee of oyster-planting ground have his ground, or any portion thereof resurveyed or should he reassign any or all of the ground, such resurvey or reassignment shall not be construed to be a twenty-year renewal of his lease, or as a new assignment of such ground, but shall be deemed to be a continuation of the original assignment, subject to all the limitations and conditions under which such ground was originally assigned.

(14) Possession gives no preference as to assignment.—Any person, firm or corporation in possession of any oyster-planting ground which has not been assigned according to law shall have no preference as to having the same assigned to him, but such ground shall be open to the first applicant.

(15) Recordation of plat and assignment.—The plat and assignment, as soon as practicable after completion, and after such ground shall have been assigned to the applicant, shall be filed for record by the inspector in the office of the Commission of Fisheries, and in the office of the clerk of the county by the Commissioner of Fisheries. The county clerk shall forthwith record the assignment and plat in a well-bound and substantial book, such recording to be indexed in the name of the assignee, and thereupon at once a written memorandum shall be posted by the clerk of the court at the front door of the courthouse, stating the name of the assignee, the date of recordation, the number of acres assigned, and the general location of the ground. The clerk of the court shall receive the said plat and assignment and record the same, and shall be paid by the Commission for his services a fee of six dollars for each assignment. After the same has been recorded, the assignee is entitled to withdraw the original from the clerk's office.

(16) Monthly reports of assignments.—Each inspector shall send in to the office of the Commission of Fisheries not later than the fifth of each month all assignments made by him during the preceding month, such assignments to be reported on blanks provided the inspector by the Commission, and these forms to state the name of applicant to whom assigned, the waters where, the number of acres, the date of assignment, and the address of the applicant.

(17) State guarantees rights of renter subject to right of fishing.—To any person, after having complied with all requirements, as set forth in the statutes necessary to have ground assigned to him, the State will

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guarantee the absolute right to the renter to continue to use and occupy such ground for the term of the lease, subject, only to the right of fishing in waters above the bottoms and *to* riparian rights, so long as the rent for each year is paid not later than December fifth of such year. No person exercising such right of fishing shall use any device which is fixed to the bottom, or which, in any way, interferes with such renter's rights, or damages such bottoms, or the oysters planted thereon.

(18) Abandonment without liability for future rent.—The lessee of any oyster-planting ground, the rent of which is to be paid to the following September of any year, may abandon his or her holdings at any time without being liable for the payment of the rent for the following year, provided they notify the inspector, deputy inspector or the Commission of Fisheries in writing of their intention so to do before September first. Such notice, when received by the inspector or deputy inspector, shall be immediately forwarded by such inspector or deputy inspector to the office of the Commissioner.

§ 28-136. Oyster barrelers, shuckers, buyers and packers.—(a) Tax graduated by amount of oysters handled.—Every person, firm or corporation engaged in the business of shucking or packing oysters in this State shall pay a license tax for the privilege of transacting such business, to be graduated by the amount of oysters barreled, shucked or packed by him during the period for which his license is granted.

(b) Barrelers.—Every person engaged in buying oysters for marketing in barrels shall pay a yearly license tax, beginning January first of each year, to be graduated as follows: (1) For any number of barrels under one hundred bought and marketed, * *three* dollars and fifty cents; (2) for one hundred barrels and over, up to two hundred and fifty, * *six dollars and seventy-five cents;* (3) for two hundred and fifty barrels and over, up to five hundred, * *eight dollars and twenty-five cents;* (4) five hundred barrels and over, * *eleven dollars and twenty-five cents.*

(c) Shuckers and packers.—For every license to a person, firm or corporation engaged in the business of shucking or packing oysters the license taxes shall be graduated as follows: (1) For any numbers of gallons under one thousand, a tax of * *three* dollars; (2) for one thousand gallons or over, up to ten thousand, a tax of * *eight dollars and twenty-five* cents; (3) for ten thousand gallons or over, up to twenty-five thousand, a tax of * *fifteen dollars and seventy-five cents*; (4) for twenty-five thousand gallons or over, up to fifty thousand, a tax of * *thirty dollars and seventy-five cents;* (5) for fifty thousand gallons or over, up to one hundred thousand, a tax of * *forty-six dollars*; (6) for one hundred thousand gallons or over, up to two hundred thousand, a tax of * *seventy-five dollars and seventy-five cents*; (7) for two hundred thousand gallons or over, a tax of one hundred *and fifty* dollars and fifty cents.

(d) Reports required of licensees.—To ascertain the amount of oysters marketed it shall be the duty of such person, firm or corporation, on the first day of January of each year, or within ten days thereafter, to make report in writing, under oath, to the oyster inspector for the district for which he was licensed, showing the amount of oysters actually shucked or packed or sold in barrels by him during the next preceding twelve months.

(e) Report of violation; penalty.—Each inspector shall report every oyster packer who shall fail to comply with the requirements of this section. Any person, firm or corporation violating the provisions of this section, or making a false report, shall pay a fine of not less than thirty dollars nor more than one thousand dollars for each offense.

(f) Tax in lieu of other taxes on capital.—The sum imposed under and by virtue of this section shall be in lieu of all taxes for State purposes on the capital actually employed in such business. The word "capital"

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shall include moneys and credits actively used in carrying on the business, including goods, wares and merchandise on hand, and all solvent bonds, demands, and claims made and contracted in the business during the preceding year. Real estate shall not be held to be capital, but shall be assessed and taxed as other specific property.

(g) Other property listed and taxed.—All other property held by such person, firm or corporation shall be listed and taxed as other property.

(h) Collection and disposition of license tax.—The sum required by this section to be paid when the license is taken out shall be collected in the same manner that the amounts required to be paid for other licenses under the oyster laws of the State are collected, and shall be accounted for as part of the oyster fund.

§ 28-137. Taking oysters, clams, scallops and mussels by hand or with tongs.—(1) Application for license.—Any resident of this State who shall be duly qualified, and desires to take or catch oysters, clams or scallops from the natural oyster beds, rocks, shoals or any other waters of the Commonwealth, or water under the jurisdiction of the Commonwealth, not leased for planting purposes, by hand or with ordinary or patent tongs, or any instrument allowed by law other than a scrape or dredge, shall first apply in writing to the inspector for a license.

(2) License taxes.—The license taxes shall be as follows:

(a) For each pair of patent tongs, * *fifteen dollars and seventy-five cents.*

(b) For each person taking oysters or clams by hand, or with ordinary tongs, * *five dollars and twenty-five cents.*

A license issued for patent tongs shall entitle the holder, without the payment of an additional license tax, to use ordinary tongs while not using patent tongs. When such person shall have paid to the inspector the amount of license required of him, the inspector shall register such person, and shall issue to him a license, which shall entitle him during the season for which such license shall be issued to take or catch oysters, clams or scallops from the natural oyster rocks, beds or shoals, or any other water of the Commonwealth or within the jurisdiction thereof, for the period during which he is not prohibited by law from working on any such natural rocks, beds or shoals.

If any person is found oystering, clamming or scalloping upon the natural rocks, beds, shoals or other waters of the Commonwealth not assigned for shellfish culture without having been so licensed, or after having his license revoked, or if he violates any provision of this section, such person shall be fined not less than ten nor more than two hundred dollars.

Five dollars of each license to take oysters with patent tongs and two dollars of each license to take oysters with ordinary tongs shall be segregated for the replenishment of the public rocks, beds, and shoals of the Commonwealth.

The license issued under the above provisions of this section shall entitle the holder to take either oysters, clams or scallops from the waters of this Commonwealth, or from waters under the jurisdiction of this Commonwealth, for and during the open oyster season; and shall, in addition thereto, permit the holder of such license to take or catch clams or scallops during the season prohibited by law for the taking of oysters, from the public clamming bottoms of the Commonwealth.

(3) Tax for taking clams.—For each person desiring to take or catch only clams by hand or with ordinary tongs the license tax shall be * *three* dollars *and seventy-five cents* and for any person desiring to use patent tongs for the purpose of taking clams only, he shall pay to the inspector a specific tax of * *eight dollars and twenty-five cents* for each pair of such tongs to be used; provided, that these licenses for the taking

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of clams by hand, or with tongs, ordinary or patent, shall entitle the holder thereof to take only clams from the public clamming bottoms in the waters of this Commonwealth and in the waters under its jurisdiction, and not from the public oyster rocks, beds, and shoals, and is not to be construed, in anywise, to permit or authorize the taking of oysters at any time.

(4) Possessing oysters while taking clams.—If any person shall have in his possession any oysters while taking or catching clams or scallops under the preceding subsection during the season in which it is unlawful to take or catch oysters from the natural rocks, beds or shoals, he shall be prima facie guilty of violating the law of taking or catching of oysters therefrom during the prohibited season, and upon conviction, the penalty shall be not less than ten dollars nor more than two hundred dollars.

(5) Taking clams in certain areas.—It shall be unlawful to take or catch clams at any time, or by any means, in Pocomoke Sound above a line drawn from Drum Bay Point, in the county of Accomack, and running a north-northwest course to the line between the State of Maryland and Virginia, except upon such grounds in those waters as may be set aside for public clamming or scalloping purposes by the Commission of Fisheries.

(6) Restriction on size of clams.—It shall be unlawful for any person to ship any clams measuring less than one and seven-sixteenths inches in length from hinge to mouth, or to take or catch clams under such size other than for seed or planting purposes.

(7) Digging mussels.—Any person desiring to dig mussels from the natural oyster rocks, beds and shoals shall pay an annual license of three dollars and fifty cents, provided that if he holds a license to take or catch clams or oysters he may dig mussels under the same license.

(8) Oysters and clams for household use exempted.—This section shall not apply to the taking or catching of oysters or clams for immediate household use but not for planting or for sale.

(9) Penalty for violation.—Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction be fined not less than ten dollars nor more than two hundred dollars.

§ 28-137.1.—Tax on oysters taken from the public rocks; disposition of revenues.—(1) There is hereby imposed a tax on all oysters taken from the public rocks. The tax shall be at the rate of * *three* cents per bushel. The tax shall apply to the bushel before shucking.

(2) The person taking such oysters shall be liable for the payment of the tax and all persons buying such oysters in this State shall collect such tax and pay the same to the Commission of Fisheries, hereinafter referred to as Commission. The Commission is authorized to adopt such regulations as may be required for the administration of the tax.

(3) The proceeds of the tax shall be expended by the Commission in a shell planting program so as to rehabilitate the oyster industry.

(4) The tax due hereunder if not paid may be collected as are other State taxes in proceedings to collect the same when delinquent.

§ 28-141. Oysters to be culled as taken.—All oysters taken from any natural rocks, beds or shoals in the waters of this State shall be culled on their natural rocks, beds, or shoals as taken; and oysters whose shells measure less than three inches in length, except those oysters taken from Russ Rock and Little Carter's Rock, in the Rappahannock river, whose length shall be not less than two and one-half inches measuring from hinge to mouth, and all shells, shall be included in such cullings, and replaced upon such rocks, beds or shoals.

* *All oysters once passing from the culling board to the inside of the boat, when found to include oysters less than the size above prescribed, and*

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all shells, the entire cargo, shall be considered as not having been culled as taken, according to the provision of this section.

When small oysters are adhering so closely to the shell of the marketable oysters as to render removal impossible without destroying the young oyster, then it shall not be necessary to remove it.

In the inspection of oysters under this section, the law enforcement officer shall take at least one bushel of oysters at random. If as many as one Virginia oyster gallon measure of undersized unshucked oysters and/or shells are found per bushel inspected, it shall constitute a violation of this section. In the inspection of seed oysters taken from the James River seed area, or any other area designated as seed area by the Commission of Fisheries, if as many as one and one-half Virginia oyster gallon measure of shells are found per bushel inspected, it shall constitute a violation of this section. In the taking of the bushel of oysters, for the inspection, two five-eighths tomato baskets may be used for the bushel measure.

This section only applies to oysters taken, by any catcher, from the natural rocks and shall not apply to oysters which have been purchased by a buyer and in the buyer's possession.

Any person violating any provision of this section shall be deemed guilty of a misdemeanor, *and, in addition thereto, the entire cargo shall be confiscated and the violator shall be required to scatter such cargo of oysters on the public rocks under the supervision of an inspector and at the expense of the violator; and for failure or refusal to throw such entire cargo of oysters and shells back on the public rocks when ordered to do so by an inspector or his deputy or employee of the Commission of Fisheries, shall be fined not less than one hundred dollars nor more than five hundred dollars.*

§ 28-142. Taking, buying or selling unculled oysters.—It shall be unlawful for any person to take, buy, sell or possess oysters under the prescribed size, and shells so taken from the natural rocks, beds and shoals.

Any person violating any provision of this section shall be guilty of a misdemeanor.

§ 28-157. License tax.—Before any license shall be issued for dredging or scraping, the applicant shall, in addition to the fee of one dollar for registering the boat, pay * *an annual* license tax * *of fifteen dollars for each dredge.* The captains or masters of such boats shall always have such license on board of their boats and exhibit the same whenever it shall be demanded by any duly authorized officer; and the refusal so to do shall be prima facie evidence that they are dredging or scraping without having a license therefor.

§ 28-162.1. (1) The provisions of this Article shall not apply to seed oysters.

(a) The word "Shellfish", as used herein, shall mean oysters and clams.

(b) The word "Commission", as used herein, shall mean the Commission of Fisheries.

(c) The word "Commissioner", as used herein, shall mean Commissioner of Fisheries.

(d) The word "transport", as used herein, shall mean the removal of shellfish from condemned areas.

(2) No person, firm or corporation shall take, catch, transport, sell, offer for sale, remove, receive, keep or store shellfish from condemned areas, or relay shellfish taken from such areas, until a special permit has been obtained from the Commission, which must be carried in his possession when engaged in such operation.

Before any person, firm or corporation shall take or remove shellfish from private grounds in condemned areas he shall have written authority in his possession from the owner or lessee in addition to obtaining the permit as herein required.

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(3) Any person, firm or corporation holding a valid permit to remove, and/or relay, shellfish from condemned areas shall keep accurate records and submit monthly reports to the Commission, which shall designate the areas from which the shellfish were removed; the areas to which the shellfish were relayed; the dates of the removal, and/or relaying; the number of bushels of shellfish removed, and/or relayed; the name of the permit holder; the name and address of each person employed and engaged in the operation; the names or numbers of the boats; and the license numbers of the trucks used in the operation. During any month, covered by permit, in which no removal, and/or relaying, is in operation, a report shall be submitted to the Commission, indicating that no shellfish were removed and/or relayed. It shall be the responsibility of the permit holder to keep accurate records and make reports of the removal, and/or relaying, to the main office of the Commission on or before the tenth day of the month following the month of operation. The permit shall set out the expiration date thereof.

(4) Application for the special permit, provided for in paragraph 2 of the regulations, before the removal, and/or relaying of shellfish from condemned areas, shall be made on forms provided by the Commission. A fee of one dollar shall be paid to the Commission when such application for permit is filed. This permit shall not be transferable.

The special permit, after being issued, may be revoked at any time by the Commissioner, when, in his judgment, it will be to the best interest of the industry that the same be revoked, after ten days notice and an opportunity to be heard.

(5) Shellfish removal, and/or relaying, from condemned areas shall be under the supervision of the Commission of Fisheries and the Department of Health.

(a) The season for the removal, and/or relaying, of shellfish from private grounds shall be from April 1st to November 1st.

(b) The season for the removal, and/or relaying of shellfish from public grounds shall be from May 1st to August 15.

(6) Any conveyance engaged in transporting shellfish, which have been caught within condemned areas for the purpose of relaying, to another area, where they may be cleansed and made fit for market, shall display a yellow flag of not less than thirty inches in length and eighteen inches in width before any shellfish are placed thereon, and the flag shall be displayed during the entire relaying operation.

(7) It shall be the duty of the inspector of the Commission of Fisheries, and employees of the Department of Health, to examine the area to which the polluted shellfish are relayed and see that adequate and proper corner stakes or buoys have been put in place by the lessee. Each corner stake or buoy shall be marked by a yellow flag or bunting of not less than fifteen inches by fifteen inches, and the marking shall remain until a special permit to remove the shellfish for sale or shipment has been obtained from the State Health Commissioner.

(8) No person, firm or corporation shall discharge, or cause to be discharged, any part or all of the shellfish from any conveyance engaged in transporting shellfish from condemned areas at any place other than to approved areas for cleansing, and shall move directly to the approved planting ground, or to conveyances holding a proper permit for relaying to cleansing areas designated in the permit.

(9) The loading and unloading, ashore, of shellfish taken from condemned areas shall only be at points designated by the Commission.

(10) Should the occasion arise for any emergency unloading of any conveyance engaged in transporting shellfish from a condemned area, the Commission shall be notified immediately and disposition of said cargo shall be made under the supervision of the said Commission.

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(11) Penalties for violation of these regulations.—Any person, firm or corporation knowingly violating any provision of these regulations shall be guilty of a misdemeanor, and upon conviction shall be confined in jail not less than fifteen days nor more than six months, or fined not less than one hundred dollars nor more than one thousand dollars, either or both.

Upon conviction, the boat and/or equipment, used in connection therewith, may be forfeited as provided by law.

§ 28-170. Licenses to take crabs; amount of tax; restrictions on privilege.—Any resident of this State desiring to take or catch crabs for market or profit from the waters of this Commonwealth, or waters under its jurisdiction, by any of the means hereinafter stated, or any person desiring to engage in the business of buying or marketing crabs for picking or canning the same in any way, shall pay to the oyster inspector of the district in which he resides the taxes and be subject to the provisions set forth in the other sections of this article and the following subsections:

(1) For each person taking or catching soft crabs otherwise than by dip nets or hard crabs, or peelers, with net, ordinary trot line, hand rake, or hand scrape, pushed or pulled, or with any device other than dip net or hand line, * *three dollars and seventy-five cents;* provided that no boat shall be used to pull or push any rake or scrape except as provided for in subsections (4) and (5) of this section;

(2) For each person taking or catching crabs with patent trot lines, * *fifteen dollars and seventy-five cents;* provided, no steam or motorboat shall be used in the taking or catching of soft crabs, and provided that it shall be unlawful for any person to use ordinary trot lines, or patent trot lines, for the taking or catching of crabs, in the waters of Moore's Creek, Jackson Creek, or Broad Creek in the county of Middlesex;

(3) For each person catching blue crabs by means of a device made of wire or thread net and commonly known as a crab pot, * *fifteen dollars and seventy-five cents* for each calendar year, but any person holding a patent trot line license may fish pots without securing a pot license, or any person holding a pot license may fish patent trot lines without securing a patent trot line license. No such pot or device shall be used which is made of wire or thread of a size less than one and one-half inches;

(4) For each sail boat to be used for the purpose of taking or catching hard crabs with scrapes or tongs, and for each power boat under thirty-two feet in length used for the purpose of taking or catching hard crabs with scrapes or tongs, * *eight dollars and twenty-five cents; but such boat shall not be used as a boat for buying crabs, when the Commission limits the taking of crabs under § 28-172.1;*

(5) For each power boat over thirty-two feet in length used for the purpose of taking or catching hard crabs with scrapes or dredges, * *thirty-nine dollars; but such boat shall not be used as a boat for buying crabs, when the Commission limits the taking of crabs under § 28-172.1;*

(6) For each picking or crating house, * *sixteen dollars and fifty cents;*

(7) For each canning and packing house, * *thirty-nine dollars*;

(8) For each boat *or motor vehicle* used in buying crabs, * *and* for each person or firm engaged in marketing hard crabs by barrel or crate, * *eight dollars and twenty-five cents*; but no person who is licensed to catch crabs shall be required to procure further license for marketing or shipping his own catch, and any person who has procured a license under subsection six hereof shall have the privilege of using the license for the purpose of taking hard crabs with patent trot lines or with any other device allowed to be used under this section for the remainder of the season in which the license was issued during the season not prohibited by law.

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(9) For each trap used for taking crabs or peelers * *two dollars and fifty cents.*

(10) For scraping crabs with a hand scrape * *eight dollars and twenty-five cents;*

§ 28-171. Use of scrapes or dredges.—No scrapes or dredges shall be used for catching crabs between the first day of April and the first day of December of any year; provided that the Commission of Fisheries, when in its judgment it is deemed advisable on account of weather conditions and not contrary to the public interest to do so, may open any season on the sixteenth day of November and it may likewise extend any season to the sixteenth day of April; nor shall scrapes or dredges be used at any time of the year in any of the rivers, or their estuaries, inlets, *sounds,* or creeks for the purpose of taking crabs except on the ocean side of Accomack and Northampton counties. This section shall not apply to the taking or catching of soft crabs or the crab known as the "peeler" crab.

§ 28-172. Limitations on sizes of crabs to be taken.—It shall be unlawful for any person to catch, take or have in possession at any time * *more than ten per centum by count per barrel of hard crabs, or fraction thereof if the total amount is less than one barrel,* which * *measure* less than five inches across the shell from tip to tip of spike, except the crab commonly known as the peeler crab, nor * *more than ten per centum by count per barrel, or fraction thereof if the total amount is less than one barrel,* buckram (a paper shell crab) or * soft *crabs* measuring less than three and one-half inches from tip to tip of spike; or to destroy them in any manner, but shall immediately return the same to the water alive when taken out of the net or scrape. *In enforcing this section the law enforcement officer shall check at least one barrel of crabs if the person has that amount of crabs; it shall not be necessary to check more than one barrel.*

§ 28-178. License tax for buying, marketing and shipping clams or scallops.—(1) Amount of tax.—Every person engaged in the business of buying, marketing and shipping scallops or clams shall for such privilege, on or before January first of each year, pay to the inspector of the district in which such person does business, a license tax per year as follows: less than twenty thousand scallops or clams per year, * *three dollars and seventy-five cents*; from twenty thousand to fifty thousand scallops or clams per year, * *eight dollars and twenty-five cents*; from fifty thousand to one hundred thousand scallops or clams per year, * *fifteen dollars and seventy-five cents*; over one hundred thousand scallops or clams per year, * *thirty dollars and seventy-five cents.*

(2) Penalty for violation.—Any person found guilty of making false report to an inspector as to the number of scallops or clams he has handled for market when obtaining license under this section, or any person failing to comply with the requirements of this section or of violating any of its provisions, shall be fined not less than ten nor more than two hundred dollars.

(3) Illegal possession of oysters.—If any person shall have in his possession any oysters while taking or catching clams or scallops during the season in which it is not lawful to take or catch oysters from the natural rocks, beds, or shoals, he shall be prima facie guilty of violating the law against taking or catching oysters therefrom during such season, and upon conviction, the penalty shall be the same as for taking or catching oysters from the natural rocks, beds, or shoals during the prohibited season.

§ 28-187. Bathing grounds; assignment; rental.—Any person desiring to obtain a location for bathing grounds shall apply to the oyster inspector of the district in which the grounds lie to have his location designated, surveyed and assigned for the purpose aforesaid, and for such

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ground shall pay an annual rental of * *seven dollars and fifty cents* per acre. Any such application, surveying, assigning and marking shall conform to the law pertaining to oyster-planting grounds. Any license so granted shall be for bathing grounds for public or commercial use only.

Should any lessee of bathing ground have his ground or any portion thereof resurveyed or should he reassign any or all of the ground, such resurvey or reassignment shall not be construed to be a twenty-year renewal of his lease, or as a new assignment of such ground, but shall be deemed to be a continuation of the original assignment, subject to all the limitations and conditions under which such ground was originally assigned.

The lessee of any bathing ground, the rent of which is to be paid to the following September of any year, may abandon his holdings at any time without being liable for the payment of the rent for the following year, provided he notifies the inspector, deputy inspector or the Commission of Fisheries in writing of his intention so to do before September first. Such notice, when received by the inspector or deputy inspector, shall be immediately forwarded by such inspector or deputy inspector to the office of the Commissioner.

§ 28-188. Oyster measures.—It shall not be lawful at any time for any person to buy or sell oysters in this State in the shell by any other than one-half bushel or one bushel metallic measures, and such measures shall be iron circular tubs with straight sides and straight solid bottoms with holes in bottom, if desired, for draining, such holes to be no larger, however, than one inch in diameter. A half-bushel tub shall have the following dimensions, all measurements to be from inside to inside: Fifteen inches across the top, thirteen inches across the bottom, and seventeen inches diagonally from the inside chine to the top; and a bushel tub shall measure eighteen and one-half inches across the top, seventeen inches across the bottom, and twenty-one and one-half inches diagonally from the inside chine to the top. *Such metallic measure must be level full across the entire top of the measure to be considered a full measure.*

If the seller of any oysters or oyster shells fails to furnish a full measure as defined in this section, or a buyer of any seed oysters or oyster shells accepts less than a full measure as defined in this section, he shall be punished as hereinafter provided.

When the oysters are bought or sold out of the shell, they shall be measured by the gallon, half gallon, quart, pint, etc.

Any person violating any provision of this section shall be fined not less than * *fifty dollars nor more than one hundred dollars, or imprisoned in jail for not less than ten days nor more than six months, either or both, in the discretion of the court or jury trying the case; but, upon conviction of a second offense his license or permit to take or buy oysters shall be revoked for one year and his boat and equipment subject to seizure under Section 28-206.* Moreover, if any inspector or other oyster official have reason to believe that measures not conforming to the above requirements are used on board any vessel or craft, or in any oyster house, he is hereby empowered to search for, seize and destroy such unlawful measures.

§ 28-191. Stealing oysters or oyster bed shells.—If any person take, steal or carry away, without permission of the owner, oysters, bedded or planted, oysters deposited by any person making up a cargo for market, or shells planted for formation of oyster beds, he shall be deemed guilty of the larceny thereof, and upon conviction be confined in jail not less than * *thirty days* nor more than * *twelve* months, and fined not less than * *fifty dollars* nor more than one hundred dollars, either or both, for each offense. But if the offense shall be committed in the nighttime, he shall be confined in jail not less than three months nor more than one year, and

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fined not less than * *one hundred dollars* nor more than one thousand dollars for each offense, either or both.

§ 28-195. Taking shellfish or loading on vessel on Sunday or in nighttime.—* *No person shall take oysters or clams in the waters of this State, from either public or private grounds, on Sunday or in the nighttime between the hours of sunset and sunrise; nor shall any person load any vessel or boat for such purpose with any oysters from any of the waters of the Commonwealth on Sunday or in the nighttime between the hours of sunset and sunrise; however, shucking oysters from the public grounds may be unloaded on shore at packing houses or loaded on trucks or motor vehicles one-half hour after sunset and one-half hour before sunrise; but those oysters which have been inspected by an oyster inspector and purchased by the packer or planter, and the oysters owned by the packer or planter, may be unloaded at any time except Sunday within the discretion of the packer.*

No person shall take from the waters of the Commonwealth crabs for commercial purposes on Sunday or between one hour after sunset and one hour before sunrise.

Any person violating the provisions of this section shall be fined not less than twenty-five dollars nor more than one hundred dollars.

§ 28-201.1. Leasing of certain bottoms in James river or tributaries prohibited.—The Commission of Fisheries shall have no power to lease any oyster bottom *or assign riparian acreage* in the James river, or its tributaries, above the James River Bridge, west of the James River Bridge, not theretofore leased, and nothing herein contained shall apply to any renewal of existing leases.

§ *28-201.4. Mouth of Rappahannock River defined.—Whenever the mouth of the Rappahannock River is used in Title 28 of the Code, it shall mean: Beginning on the west edge of a concrete breakwater located on the extreme eastmost point of Stingray Point, Middlesex county, designated as point "B", said point is located in line with the north side and 98.3 feet from the northeast corner of a porch on a dwelling owned by William E. Meyers; thence north 21° 50′ east (magnetic), 20,240 feet (approximately), to a pipe designated as point "C", located on the extreme eastmost point of land on Windmill Point, Lancaster county. This area is to include all of the Rappahannock River and its tributaries except as set out in § 28-93.1, Code of Virginia.*

2. That §§ 28-102, 28-144, 28-163 and 28-164 of the Code of Virginia are repealed.

CHAPTER 518

An Act to amend the Code of Virginia by adding a new section numbered 7-1.1 to Chapter 1, Title 7, to establish the jurisdiction and ownership of the Commonwealth over offshore waters along the coasts of the Commonwealth and the lands lying thereunder.

[H 473]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding to Chapter 1, Title 7, a new section numbered 7-1.1 as follows:

§ 7-1.1. (1) The jurisdiction of this state shall extend to and over, and be exercisable with respect to, waters offshore from the coasts of this state as follows:

(a) The marginal sea to its outermost limits as said limits may from

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time to time be defined or recognized by the United States of America by international treaty or otherwise.

(b) The high seas to whatever extent jurisdiction therein may be claimed by the United States of America, or to whatever extent may be recognized by the usages and customs of international law or by any agreement, international or otherwise, to which the United States of America or this state may be party.

(c) All submerged lands, including the subsurface thereof, lying under said aforementioned waters.

(2) The ownership of the waters and submerged lands enumerated or described in § (1) of this act shall be in this State unless it shall be, with respect to any given parcel or area, in any other person or entity by virtue of a valid and effective instrument of conveyance or by operation of law.

(3) Nothing contained herein shall be construed to limit or restrict in any way:

(a) The jurisdiction of this State over any person or with respect to any subject within or without the State which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law; and

(b) The jurisdiction or ownership of or over any other waters or lands thereunder, within or forming part of the boundaries of this State. Nor shall anything herein be construed to impair the exercise of legislative jurisdiction by the United States of America over any area to which such jurisdiction has been validly ceded by this State and which remains in the ownership of the United States of America.

(4) Nothing in this act shall alter the geographic area to which any statute of this State applies if such statute specifies such area precisely in miles or by some other numerical designation of distance or position. However, nothing in any such statute or in this act shall be construed as a waiver or relinquishment of jurisdiction or ownership by this State over or in any area to which such jurisdiction or ownership extends by virtue of this act or any other provision or rule of law.

CHAPTER 519

An Act to amend and reenact § 15-152.26 of the Code of Virginia, relating to certain cases in which annexation shall not be decreed unless the whole county be annexed.

[H 475]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-152.26 of the Code of Virginia be amended and reenacted as follows:

§ 15-152.26. Whenever, as the result of any annexation proceedings the area remaining in a county would, after annexation of the territory sought, be reduced below sixty square miles, *excluding property owned by the United States of America,* or shall, otherwise, be insufficient in area, population, or sources of revenue, adequately to support the county government and schools, the annexation shall not be decreed unless the whole county be annexed.

2. An emergency exists and this act is in force from its passage.

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CHAPTER 520

An Act to authorize the State Corporation Commission to adopt standards and regulations relating to the manufacturing, disposition and installation of boilers and pressure vessels; to define terms; to provide exemptions; to authorize counties, cities and towns to adopt and enforce regulations concerning such boilers and pressure vessels; to provide the procedure for the adoption and distribution of regulations; and to provide penalties for violations of regulations.

[H 476]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. As used in this act, the following terms shall have the meaning set forth in this paragraph unless the context requires a different meaning:

a. Pressure vessel—every high-pressure boiler, low-pressure boiler, miniature boiler, and unfired pressure vessel.

b. Boiler—a pressure vessel and associated contiguous components in which a fluid is vaporized by the application of heat resulting from electricity, nuclear energy, or the combustion of materials. Superheaters, economizers and other pressure parts directly connected to the boiler are included, reheaters are included.

c. High-pressure boiler—a boiler operating at more than fifteen pounds pressure.

d. Low-pressure boiler—a boiler used exclusively for low pressure steam heating, hot water heating and hot water supply and including:

(1) All steam boilers for operation at not more than fifteen pounds pressure;

(2) Hot water heating and hot water supply boilers for operation at not more than one hundred sixty pounds pressure and not more than two hundred fifty degrees Fahrenheit temperature.

e. Miniature boiler—a boiler which does not exceed any of the following limits:

(1) Sixteen inches inside diameter of shell;

(2) Five-cubic-foot gross volume, exclusive of casting and insulation;

(3) Twenty square feet of water heating surface;

(4) Operation at one hundred pounds pressure.

f. Unfired pressure vessel—a vessel in which pressure is obtained from an external source or from an indirect application of heat.

g. Pressure—gauge pressure or the pressure above the atmospheric expressed in pounds per square inch.

§ 2. The State Corporation Commission is authorized from time to time to establish official standards and adopt regulations dealing with the manufacture within the State for use in the State, the sale or other disposition for use in the State, the installation within the State, of boilers and pressure vessels. All such standards and regulations shall be designed for the protection of human life and property from unsafe or dangerous manufacture, sale or other disposition, or installation of any such boiler or pressure vessel.

§ 3. The standards adopted shall not apply to boilers and pressure vessels purchased, installed, or placed in operation prior to the date of adoption of the standards.

§ 4. This act shall not apply to:

a. Boilers or unfired pressure vessels under the jurisdiction and inspection of the federal government or any agency thereof;

b. Boilers and unfired pressure vessels used on farms solely for agricultural purposes;

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c. Boilers and fired or unfired pressure vessels used in private residences or apartment houses of less than four apartments;

d. Boilers of railroad companies, ships, boats or other water-borne vessels;

e. Hot water supply boilers and unfired pressure vessels used as hot water supply storage tanks heated by steam or any other indirect means when the following limitations are not exceeded:

(1) A heat output of two hundred thousand B. T. U. per hour;

(2) A water temperature of two hundred degrees Fahrenheit;

(3) A nominal water-containing capacity of one hundred twenty gallons.

f. Unfired pressure vessels containing air only located on vehicles or vessels used for transporting passengers or freight;

g. Unfired pressure vessels containing air only installed on the right of way of railroads and used directly in the operation of trains;

h. Unfired pressure vessels with a nominal water-containing capacity of one hundred twenty gallons or less for containing water under pressure, including those containing air, the compression of which serves only as a cushion;

i. Unfired pressure vessels containing air only, providing the volume does not exceed eight cubic feet or the operating pressure is not greater than one hundred seventy-five pounds;

j. Unfired presure vessels having an operating pressure not exceeding fifteen pounds with no limitation on size;

k. Unfired pressure vessels having an inside diameter not exceeding six inches with no limitation on pressure;

l. Cylinders and containers meeting the requirements of and used in accordance with the regulations of the Interstate Commerce Commission;

m. Boilers and pressure vessels used in development or experiment by any organization or business primarily engaged in research and experimentation;

n. Public service companies operating under the rules and regulations of the State Corporation Commission;

o. Unfired pressure vessels used as containers for liquefied petroleum gases and subject to the regulation of the State Corporation Commission under Chapter 116 of the Acts of 1950.

p. Any manufacturing establishment engaged in the manufacture of petroleum, chemicals, chemical products or derivatives, or wood pulp, or the further processing of such petroleum, chemicals, chemical products or derivatives, or wood pulp;

q. Boilers and pressure vessels covered by liability insurance under a policy written by an insurance carrier authorized by the State Corporation Commission to issue policies of insurance covering such matters in Virginia.

§ 5. Nothing in this act shall be construed as repealing any valid local ordinance or regulation now in effect adopted pursuant to general law or charter provision; provided, however, that if any such ordinance or regulation is less strict than any standard or regulation promulgated or adopted by the State Corporation Commission then such ordinance or regulation shall be superseded by the applicable standard or regulation of the State Corporation Commission.

§ 6. Regulations adopted under this act may be enforced by local authorities.

§ 7. Before initially adopting any standards or regulations hereunder, the State Corporation Commission shall hold a public hearing on such proposed standards or regulations.

§ 8. The standards and regulations adopted by the Commission under this act shall be published by the Commission in a volume separate from

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any of its other reports. The standards and regulations thus adopted and printed shall become effective thirty days after a printed copy thereof is filed with the Clerk of the Commission and shall remain effective as long as a copy remains on file with such Clerk.

§ 9. Whenever any regulation adopted pursuant to this act becomes effective, any person who violates any provision thereof shall be guilty of a misdemeanor.

CHAPTER 521

An Act to amend and reenact § 54-767 of the Code of Virginia, relating to bond required for real estate salesmen and brokers.

[H 483]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-767 of the Code of Virginia be amended and reenacted as follows:

§ 54-767. The governing body of any county * , city *or town* may require any person who acts as a real estate salesman to post a bond in favor of the Secretary of the Commonwealth with good and sufficient surety, not exceeding * *fifteen* thousand dollars, and in the case of any person who acts as a real estate broker to post such a bond in the amount of not exceeding * *thirty thousand* dollars before doing business in such county * , city *or town*. Such bonds shall be filed with the Virginia Real Estate Commission and the person required to file such bond shall notify the commissioner of revenue of such county or city whether or not he has complied with such requirement. The governing body may prescribe such penalties for failure or refusal to file such bond as are prescribed for violations of other ordinances.

CHAPTER 522

An Act to amend and reenact § 6-51, as amended, of the Code of Virginia, relating to investments of banks.

[H 486]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 6-51, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 6-51. No bank shall acquire or own its own stock except to protect itself against loss from debts previously contracted, in which case it shall be disposed of within twelve months from the time acquired. No bank shall make loans collaterally secured by the stock of such bank. No bank shall invest any of its funds in shares of stock of any other corporation nor in any notes or other obligations secured by real estate on which as security it is prohibited by §§ 6-78 and 6-79 from making any loan; this provision shall not, however, prevent any bank, (1) from acquiring any such stock, notes or other obligations to protect itself or any fund in its custody or possession against loss from debts theretofore contracted, nor (2) from acquiring, owning and holding stock of a building corporation of the character and to the amount provided by § 6-49, nor (3) from

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acquiring, owning and holding stock of an agricultural credit corporation organized under the laws of this State, provided that the total amount of such stock shall not exceed twenty per centum of the amount of the capital stock of such bank actually paid in and unimpaired, plus the amount of its unimpaired surplus fund, nor (4) from acquiring, owning and holding stock of Federal National Mortgage Association, nor (5) from acquiring, owning and holding stock of a small business investment company as defined by the Federal Small Business Investment Act of 1958, *nor (6) from acquiring, owning and holding stock of an industrial development company organized under the provisions of the Virginia Industrial Development Corporation Act;* nor shall the provisions hereof be construed to require a bank to dispose of any preferred stocks lawfully acquired as an investment prior to the first day of January, nineteen hundred and forty.

2. An emergency exists and this act is in force from its passage.

CHAPTER 523

An Act to amend and reenact § 58-371.2, as amended, of the Code of Virginia, relating to licensing and qualifications of professional bondsmen.

[H 487]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-371.2, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-371.2. The governing body of any county or city may by ordinance require that every person who shall, for compensation, enter into any bond or bonds for others, whether as a principal or surety, shall obtain a revenue license the amount of which shall be prescribed in such ordinance; and no such professional bondsman *or his agent* shall enter into any such bond or bonds in any such county or city until he shall have obtained such license. *With the exception of any bondsman or his agent who has heretofore obtained a certificate and license under this section and whose certificate, license and right to act as a bondsman continues to remain in full force and effect,* no such license shall be issued by the authorities of any such county or city * unless and until the applicant shall have first obtained a certificate from the judge of the circuit court of the county, or the judge of the corporation, * *or hustings court, or of the circuit court if there be no corporation* or hustings court of the city, in which he desires to carry on the business of professional bondsman, * *approving the issuance of the license and certifying that the applicant is of good moral character, that his past conduct before the courts of said county or city has not been unsatisfactory and is suitable to be so licensed, and provided further that before the issuance of such certificate the judge of the corporation, hustings or circuit court, as the case may be, may confer with the judge or judges of those courts in which such bondsman seeks to act.* A license granted to a professional bondsman in any such * *county* or city shall authorize such person to enter into such bonds in such county or city.

No professional bondsman shall enter into any such bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess of the true market value of his real estate. Each professional bondsman licensed hereunder shall file with the clerk of the circuit court of a county or the corporation, circuit or hustings court of the city in which he is licensed not later than the fifth day of each month a list of all outstanding bonds on which he was

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obligated as of the last day of the preceding month, together with the amount of the penalty of each such bond.

*

Any professional bondsman or agent for any professional bondsman, qualified under this section, shall be subject to and governed by any reasonable rules of conduct or procedure set up by the judge or justice of the court in which he is acting as a bondsman which may include a requirement that such bondsman or agent place a reasonable amount of cash or negotiable bonds in escrow with the clerk of said court to be held during the time such bondsman or agent is acting as a bondsman in said court, provided that said clerk is acting under a bond of sufficient amount and coverage to insure protection against loss, theft, or misappropriation. Upon his violation of such rules, he may, after hearing upon a charge of such violation, be suspended from entering into further bonds in said court by the judge or justice thereof. If such bondsman or agent fails to have in escrow with the clerk of said court a sum sufficient to cover any forfeiture of bond against him and fails or refuses to pay such forfeiture after notice and demand by the judge or justice of the court he may be suspended by such judge or justice from entering into further bonds in said court until the forfeiture is paid or it is adjudicated that he is not liable thereon.

Any ordinance enacted pursuant to the provisions of this section may provide for revocation of licenses for failure to comply with the terms of such ordinance and may in addition prescribe penalties for violations thereof.

Nothing in this section shall be construed to apply to guaranty, indemnity, fidelity and security companies doing business in Virginia under the provisions of §§ 38.1-269 to 38.1-657.

CHAPTER 524

An Act to amend and reenact § 15-891.3 of the Code of Virginia, relating to regional planning and economic development commissions, and funds and personnel in connection therewith.

[H 514]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-891.3 of the Code of Virginia be amended and reenacted as follows:

§ 15-891.3. The proportion of the expenditures of the regional planning and economic development commission to be borne respectively by the municipalities and counties cooperating shall be such as determined and agreed upon by the cooperating governing bodies who are authorized to appropriate to the regional planning and economic development commission their respective shares of the expenditures * for meeting the expenditures. *In addition to such appropriations to it, any such commission shall be authorized to accept funds for such purposes directly from the government of the United States, or agencies thereof, or other public or semipublic agencies, or other agencies or private individuals.* Within the amounts thus agreed upon and duly appropriated, *or accepted*, any such regional planning and economic development commission is empowered to *expend* the money so appropriated *or accepted* and to appoint such employees and staff as it deems necessary for its work. In order to encourage the employment of a suitable and properly qualified staff to assist regional planning and economic development commissions, the Governor,

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in his discretion, is hereby authorized to make available to each regional planning and economic development commission from monies not otherwise appropriated or from funds available to the Governor a sum not to exceed one-half the cost of salaries and operation of such staff and in no case to exceed five thousand dollars to any one commission annually; such funds may be made available by the Governor upon formal application from a duly constituted regional planning and economic development commission provided the composition of the region and the program of activities to be undertaken are approved by the Commissioner, Division of Planning and Economic Development, Department of Conservation and Development and the personnel they propose to appoint have capabilities and experience acceptable to the Commissioner, Division of Planning and Economic Development.

CHAPTER 525

An Act to amend the Code of Virginia by adding thereto a section numbered 15-891.10, authorizing the name of regional planning and economic development commissions to be changed.

[H 515]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 15-891.10 as follows:

§ 15-891.10. Any commission heretofore or hereafter created under the provisions of this article shall have the authority, in the discretion of the members thereof, to delete the words "economic development" from its name.

No such change of name of any such commission, however, shall in any way affect or limit the powers and duties of such commission.

CHAPTER 526

An Act to amend and reenact § 58-951 of the Code of Virginia, relating to disbursement of funds by treasurers.

[H 519]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-951 of the Code of Virginia be amended and reenacted as follows:

§ 58-951. Money deposited under the provisions of this article shall be disbursed only upon checks signed by the county treasurer and drawn in payment of lawfully issued and properly drawn orders or warrants and lawfully issued and properly drawn and matured bonds, notes or other obligations of the county, for the payment of which funds are available; provided, however, that:

(1) This section shall not be construed as preventing any county treasurer from transferring, by check, money from one approved depository to another, or from settling with the Commonwealth without an order from the board of supervisors or other governing body of his county, for State revenues or other items collected and remittable by him to the State Treasurer or from paying to the State Treasurer without an order from

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the board of supervisors or other governing body of his county, any amount or amounts pursuant to provisions of law;

(2) Any board of supervisors or other governing body desiring to do so may require the checks issued pursuant to the provisions of this section to be countersigned and appoint such person or persons as it may desire for the purpose;

(3) This section shall not be construed as imposing upon any depository any obligation to determine whether any check issued pursuant to the provisions of this section was issued for any purpose or purposes other than those specified herein or as imposing any liability upon any such depository for paying any check so issued; and

(4) The treasurer may, with the approval of the board of supervisors or other governing body, by resolution entered of record on the minute book of the board, designate one *or more* of his deputies who shall have authority to sign any such checks whenever the necessity therefor shall arise by reason of the sickness or unavoidable absence of the treasurer or his inability to sign such checks for any other reason.

2. An emergency exists and this act is in force from its passage.

CHAPTER 527

An Act to amend and reenact § 64-70 of the Code of Virginia, relating to the interest of the testator's pretermitted children in certain estates.

[H 520]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 64-70 of the Code of Virginia be amended and reenacted as follows:

§ 64-70. If a will be made when a testator has a child living, and a child be born afterwards, such after-born child, or any descendant of his, if not provided for by any settlement, and neither provided for nor expressly excluded by the will, but only pretermitted, shall succeed to such portion of the testator's estate as he would have been entitled to if the testator had died intestate; towards raising which portion the devisees and legatees shall, out of what is devised and bequeathed to them, contribute ratably, either in kind or in money, as a court of equity, in the particular case, may deem most proper. But if any such after-born child, or descendant, die under the age of twenty-one years, unmarried, and without issue, his portion of the estate, or so much thereof as may remain unexpended in his support and education, shall revert to the person to whom it was given by the will. *Provided, that if a will be made when a testator has a child or children living, which child or children are not provided for by such will or by any settlement and a child be born after such will is made the provisions of this section shall not apply and such after-born child shall not succeed to any portion of the testator's estate.*

CHAPTER 528

An Act to amend and reenact § 15-6 of the Code of Virginia, so as to permit cities and towns to allow the temporary use of streets for other than public purposes and to close such streets and alleys con-

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nected therewith for public use and travel during the period of such temporary use.

[H 522]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-6 of the Code of Virginia be amended and reenacted as follows:

§ 15-6. Every city and town may:

(1) Lay off streets, walks or alleys, alter, improve and light the same and have them kept in good order;

(2) Provide off-street automobile parking facilities and open the same to the public, with or without charge;

(3) Lay off public grounds and provide all buildings proper for the city or town, including a prison house and workhouse, and employ managers, physicians, nurses and servants for the same and prescribe regulations for their government and discipline and for persons therein;

(4) Prescribe the time for holding markets and regulate the same;

(5) Prevent injury or annoyance from anything dangerous, offensive or unhealthy and cause any nuisance to be abated;

(6) Regulate the keeping of gunpowder or other combustibles and provide magazines for the same; *

(7) Provide places for the interment of the dead in or near the city or town;

(8) Regulate the transportation of hay, coal or other articles through the streets of the city or town; *and*

(9) Permit the temporary use of streets for other than public purposes and to close such streets and alleys connected therewith for public use and travel during the period of such temporary use; provided no matter advertising any thing or business is displayed in or on the street in connection with such temporary use, and the person, firm, association, organization or corporation so permitted to use the street furnishes a public liability and property damage insurance contract insuring the liability of such person, firm, association, organization or corporation for personal injury or death and damages to property resulting from such temporary use in such amounts as shall be determined by the governing body of the city or town, in which contract the city or town shall be named as an additional insured; and provided further that when any street closed is an extension of the State Highway System adequate provision is made to detour through traffic.

2. An emergency exists and this act is in force from its passage.

CHAPTER 529

An Act to amend and reenact § 15-93 of the Code of Virginia, relating to bonds of certain city officers.

[H 523]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-93 of the Code of Virginia be amended and reenacted as follows:

§ 15-93. The bond of the treasurer shall be conditioned for the faithful performance of his duties and in other respects as required by the

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general law and shall be in penalty not greater than *one-half* the amount *of State funds* to be received by him annually, * nor less than * *fifteen* per centum thereof.

The bond of the commissioner of the revenue and the bond of the city sergeant shall likewise be conditioned for the faithful performance by such officers of their respective duties and otherwise comply with the provisions of the general law. The penalty of the bond of the commissioner of the revenue shall be not less than twenty-five hundred dollars and that of the city sergeant not less than one thousand dollars.

2. An emergency exists and this act is in force from its passage.

CHAPTER 530

An Act to amend and reenact § 24-158 of the Code of Virginia, relating to election or temporary appointment of additional justices of the peace in counties and to the appointment of additional justices of the peace in certain counties.

[H 524]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 24-158 of the Code of Virginia be amended and reenacted as follows:

§ 24-158. Whenever a circuit court shall be of opinion that the public service requires a greater number of justices of the peace in any district than those specified in the preceding section, and shall so enter of record and designate the number of such additional officers, notice thereof shall be published in such district, and at the next succeeding general election for district officers, such additional officers shall be elected in the mode prescribed for the election of district officers, and continue to be elected at each succeeding general election of district officers until otherwise ordered by the court. And it shall be lawful for the court to appoint officers to serve until such additional officers are elected and qualified. Such officers, whether elected or appointed, shall qualify and give bond as prescribed for district officers. The court may, in its discretion, revoke the order requiring such additional officers, such revocation to take effect at the expiration of the terms of such officers.

In any county having a population of more than fourteen thousand, nine hundred but not more than fifteen thousand, and in any county having a population of more than twenty-five thousand but less than twenty-six thousand, whenever a circuit court shall be of opinion that the public service requires a greater number of justices of the peace in any district than those specified in the preceding section, it shall be lawful for the court to appoint such additional officers. Such officers when so appointed, shall qualify and give bond as prescribed for district officers. The term of office of any officer so appointed shall be from the date of his qualification until the thirty-first day of December of the year in which the next succeeding general election, following his appointment, is held for district officers. The court may, in its discretion, revoke the order appointing or requiring such additional officers, such revocation to take effect at the expiration of the terms of such officers.

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CHAPTER 531

An Act to amend and reenact § 22-141, as amended, of the Code of Virginia, relating to town school districts' share of county school funds; and to amend the Code of Virginia by adding a section numbered 22-141.1, prescribing towns' share of other county funds.
[H 526]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 22-141, as amended, of the Code of Virginia, be amended and reenacted, and that the Code of Virginia be amended by adding a section numbered 22-141.1, as follows:

§ 22-141. (a) Funds to be paid by county treasurer to town treasurer.—For the benefit of each town school district operated by a school board of three members, the county school board shall require the county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be used for public school and/or educational purposes within such special town school district:

(1) From the amount derived from a county school levy * for public school and/or educational purposes, a sum equal to the pro rata amount from such levy * derived from such town.

(2) The amount due from State school funds received by the county for general school purposes, to be determined as between the county and the town on the same basis of distribution used by the State in making the distribution of such school funds to the counties and cities.

(3) The amounts due from the county to such special town school district from special State school funds to be determined in accordance with the purposes for which the allocations are made.

(4) From federal funds allocated to and received by the county on the basis of federally connected pupils for operations and/or capital outlay purposes, to be apportioned between the county and the town on the same basis of distribution as used in making the allotment of such federal funds to the county and in the ratio that such federally connected pupils residing in the town bear to the total of such federally connected pupils residing in the county including the town and which were included in the county's application for such federal funds.

(b) *District located in adjoining counties.*—Where a special town school district is located partly in each of two adjoining counties and operated by a town school board created or constituted by the charter of such town, for the benefit of such town school district, each county school board shall require each respective county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be used for public school and/or educational purposes within such special town school district:

(1) From the amount derived from a county school levy and/or appropriations in each respective county for public school and/or educational purposes, a sum equal to the pro rata amount from such levy or appropriations derived from such town.

(2) The amount due from State school funds received by each county for general school purposes, to be determined as between each county and the town on the same basis of distribution used by the State in making the distribution of such school funds to the counties and cities.

(3) The amounts due from each county to such special town school district from special State school funds to be determined in accordance with the purposes for which the allocations are made.

(c) *State funds from special sources.*—None of the provisions of this section shall require the county treasurer to pay over to the town treasurer

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of a special town school district any funds received from the State from special sources, including funds distributed to the localities from the profit realized from the operation of the State alcoholic beverage control system, when said town has received direct appropriations or allocations from the State from the same special sources.

(d) *Sections not amended or repealed.*—None of the provisions of this section or §§ 22-42, 22-43, 22-60, 22-67 and 22-99 shall be construed to amend or repeal the provisions of §§ 15-292 and 15-324.

§ 22-141.1. For the benefit of each town in which there is established a special town school district operated by a school board of three members, the governing body of the county in which such town is located shall require the county treasurer to pay over to the town treasurer, if and when properly bonded, the following funds to be placed in the general fund of the town, subject to appropriation by the governing body of the town as it may deem necessary:

From the amount derived from a general or unit levy for all county purposes, a sum equal to such town's pro rata share of the general or unit levy receipts derived from the taxable property within the town, including real estate, tangible personal property, merchants' capital and machinery and tools. The pro rata share of the town shall be determined by allocating to the town the same percentage of general or unit levy receipts as is appropriated by the county governing body for the support of county public schools and/or for educational purposes.

2. An emergency exists and this act is in force from its passage.

CHAPTER 532

An Act to amend the Code of Virginia by adding in Title 56 thereof a chapter numbered 12.4, containing sections numbered 56-338.50 through 56-338.64, so as to provide for the regulation by the State Corporation Commission of special or charter party carriers as a class of restricted common carriers of passengers; and to repeal § 56-285 of the Code of Virginia, relating to transportation of special or chartered parties.

[H 529]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding in Title 56 thereof a chapter numbered 12.4, containing sections numbered 56-338.50 through 56-338.64 as follows:

CHAPTER 12.4

Special or Charter Party Carriers

§ 56-338.50. When used in this chapter, unless expressly stated otherwise:

(a) "Person" means any person, firm or corporation.

(b) "Commission" means the State Corporation Commission.

(c) "Special or charter party carrier" means a restricted common carrier authorized to transport passengers in special or charter parties under the provisions of this chapter.

(d) "Special or Charter Party" means a group movement of passengers transported under a single contract made with one person for an agreed charge for such movement regardless of the number of passengers transported and for which transportation no individual or separate fares are solicited, charged, collected or received by the carrier.

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(e) "Certificate" means a certificate of public convenience and necessity issued by the Commission to a special or charter party carrier under this chapter.

§ 56-338.51. This chapter shall not be construed to apply to:

(a) Motor vehicles employed solely in transporting school children and teachers;

(b) Transportation of a special or charter party between any point in this State and any point outside this State, or between two points within the limits of a city or town in this State; or

(c) Motor vehicles owned and operated by the United States, District of Columbia or any state, or by any municipality or other political subdivision of this State.

§ 56-338.52. Except as otherwise provided in § 56-338.51, no person shall engage in the business of a special or charter party carrier of passengers by motor vehicle on any highway within the State unless such person has secured from the Commission a certificate authorizing such business.

§ 56-338.53. (a) An "A" certificate shall authorize the holder named therein to transport passengers in special or charter parties from any point or points within the State to other points in this State. Upon the filing of an application for an "A" certificate, the Commission shall fix a time and place of hearing upon such application, and if the Commission finds the proposed operation justified the Commission shall issue an "A" certificate to the applicant, subject to such terms, limitations and restrictions as the Commission may deem proper. If the Commission shall find that the proposed operation is not justified, the application shall be denied.

(b) A "B" certificate shall authorize the holder named therein to transport passengers in special or charter parties from any point or points within the territory of origin specified in the certificate to other points in this State. Upon the filing of an application for a "B" certificate, the Commission shall fix a time and place of hearing upon such application, and if the Commission shall find the proposed operation justified it shall issue a "B" certificate to the applicant, subject to such terms, limitations and restrictions as the Commission may deem proper. If the Commission shall find that the proposed operation is not justified, the application shall be denied.

(c) A "C" certificate shall authorize the holder named therein to transport passengers in special or charter parties from a specified town or city having a population of ten thousand inhabitants or less as the point of origin to other points in this State which are not more than thirty miles from the point of origin, provided, however, that one trip for a distance exceeding thirty miles may be made by the holder of a "C" certificate during any calendar month. Upon the filing of an application for a "C" certificate, the Commission shall require the applicant to give at least ten days notice to the chairman of the board of supervisors and the Commonwealth's attorney of the counties adjoining such town or city and also by publication in a newspaper of general circulation in such town or city, or as otherwise directed by the Commission, that such an application has been made and that a certain time and date the Commission will grant such application if the Commission is then of the opinion that it meets the requirements of § 56-338.54. If a proper objection is filed with the Commission before said date, the Commission may, in its discretion, fix a time and place for a hearing upon such application and the objection thereto, and if the Commission shall then find the proposed operation justified it shall issue a "C" certificate to the applicant. The Commission may issue a "C" certificate subject to such terms, limitations and restrictions as the Commission may deem proper. If the Commission shall find the proposed operation is not justified, the application shall be denied.

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§ 56-338.54. The public convenience and necessity to be served by special or charter party carriers is to provide economical, comfortable and convenient transportation for special or charter parties and in the issuance of all types of certificates authorized by this chapter the Commission shall consider all facts bearing on that purpose, including existing means of transportation, the character of the applicant, and the kind and location of the equipment he proposes to use. The Commission shall issue no more certificates than the public convenience and necessity require, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing motor carrier, whether such carrier is operating under certificates issued by the Commission under this chapter or under chapters 12 or 12.3 of this Title or otherwise, but the Commission shall not deny a certificate solely on the ground that the applicant may render special or charter party service originating at the same point or points as such other motor carriers.

§ 56-338.55. In addition to the grounds upon which a certificate issued to a common carrier other than a special or charter party carrier may be revoked, a certificate issued under this chapter may also be revoked, after notice and hearing, for failure to furnish economical, comfortable and convenient transportation or for failure to observe the requirements of this chapter or the rules and regulations hereunder as are prescribed by the Commission. A certificate shall be revoked whenever the holder requests in writing that it be revoked.

§ 56-338.56. Any such certificate may not be sold, transferred or leased.

§ 56-338.57. No certificate shall be issued to a foreign corporation or to a person who has not been a resident of Virginia for at least sixty days preceding the filing of an application therefor.

§ 56-338.58. No special or charter party carrier shall charge more or less than the fixed rate and/or charge for the type of vehicle involved set out in said carrier's published tariff which shall be on file with the Commission.

§ 56-338.59. No holder of a certificate under this chapter shall engage in special or charter party service through any broker, except in compliance with the provisions of this chapter and the Commission's rules and regulations hereunder.

§ 56-338.60. The Commission shall have the power to prescribe from time to time reasonable rules and regulations for the control and operation of charter party carriers, including their rates and charges, and may require reports from such carriers in respect thereto.

§ 56-338.61. Any person, other than a nonresident or a foreign corporation or a person exempted by § 56-338.51 who was lawfully engaged in the business of a special or charter party carrier as herein defined within this State on January one, nineteen hundred sixty, shall be issued an "A", "B" or "C" certificate, as requested by such person, if application for such certificate is made to the Commission within sixty days from July one, nineteen hundred sixty or within such additional time, not to exceed ninety days as the Commission may prescribe.

§ 56-338.62. Every person, upon filing with the Commission an application for a certificate, shall deposit with the Commission as a filing fee the sum of twenty-five dollars for either an "A" or a "B" certificate and the sum of ten dollars for a "C" certificate; and for the issuance of a duplicate certificate the sum of three dollars; such fees are to be paid for the purpose of defraying the expenses of administering the provisions of law with respect to the issuance of such certificates.

§ 56-338.63. Except as otherwise provided in this chapter all provisions of law applicable to common carriers of passengers shall apply to special or charter party carriers.

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§ 56-338.64. Any person who is not a common carrier of passengers, except as may be provided in this chapter, shall be subject to the annual registration fee prescribed by § 46.1-149 (7).

2. That § 56-285 of the Code of Virginia is repealed.

CHAPTER 533

An Act to permit the governing bodies of counties, cities or towns to provide for the establishment and operation of educational television stations.

[H 535]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The governing body of any county, city or town, or the governing bodies of any counties, cities and towns jointly, may provide for the establishment, ownership, maintenance and operation of educational television stations within or without the county, city or town or counties, cities and towns. The operation of any such station which may be established shall be under the direction of the school board of the county, city or town establishing such station; or if the same be established jointly, by members of the school boards of the respective counties, cities or towns as the governing bodies thereof may agree.

§ 2. The facilities of any such station may be made available to any educational institution upon such terms as may be agreed upon by the operating board of such station and the governing body of such institution.

CHAPTER 534

An Act to amend the Code of Virginia by adding a section numbered 15-692.3, to provide for acquisition of property for certain educational purposes by counties, cities and towns.

[H 536]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 15-692.3 as follows:

§ 15-692.3. Any county, city or town or any combination thereof acting jointly may acquire by gift, purchase, condemnation in the manner provided by but not subject to the acreage limitation of § 22-149, or otherwise, real property and any improvements that may be located thereon within the congressional district wherein such county, city or town is located and construct buildings thereon to be used for educational purposes; provided, however, that for the purposes of this section the powers of condemnation hereby granted shall be subject to the provisions of § 25-233 of the Code of Virginia to the same extent as though such county, city or town were a corporation possessing the power of eminent domain. Such property shall be under the control of the local school board provided that in the case of joint action by two or more counties, cities or towns or combinations thereof, control of such property shall be under a board chosen in the manner and for the term provided in § 22-100.3. Property so acquired may be used by such political subdivisions for edu-

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cational purposes or may be leased on such terms as may be agreed upon to any State supported institution of higher learning to provide for education beyond high school of residents in the general region of such political subdivisions. Any such real property may, with the approval of the governing body of each such participating political subdivision, be conveyed by the board of control to any such institution of higher learning upon such terms and conditions as shall be agreed upon by such governing bodies, and the governing body of the institution, and approved by the Governor.

CHAPTER 535

An Act to amend and reenact §§ 3-205, 3-208.1, 3-208.7, 3-208.22, and 3-208.31 of the Code of Virginia of 1950, known as the Virginia Insecticide, Fungicide and Rodenticide Law, and to add §§ 3-203.1, 3-203.2 and 3-208.8:1, relating to the same subject.

[H 539]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 3-205, 3-208.1, 3-208.7, 3-208.22, and 3-208.31 of the Code of Virginia be amended and reenacted as follows:

§ 3-205. The term "economic poison" means: *(1)* any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses (except viruses on or in living man or other animals) which the Commissioner shall declare to be a pest, *and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.*

§ 3-208.1. The term "active ingredient" means:

(1) in the case of an economic poison other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests;

(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

The term "inert ingredient" means an ingredient which is not an active ingredient.

§ 3-208.7. The term "misbranded" shall apply to any economic poison or device:

(a) if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(b) if it is an imitation of or is offered for sale under the name of another economic poison;

(c) if its labeling bears any reference to registration under this chapter;

(d) if the labeling accompanying it does not contain directions for use which are necessary and, if complied with, adequate for the protection of the public;

(e) if the label does not contain a warning or caution statement

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which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

(f) if the label does not bear an ingredient statement or guaranteed analysis statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement or guaranteed analysis statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided, that the Commissioner may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;*

(g) if any words, statement, or other information required by or under the authority of this chapter to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(h) if in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized safe practice, it shall be injurious to living man or other vertebrate animals or vegetation, to which it is applied, or to the person applying such economic poison, excepting pests and weeds; *or*

(i) if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poison: Provided, that physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

§ 3-208.22. Products which have the same formula, and are manufactured by the same person, the labelings of which contain the same claims, and the labels of which bear designations identifying the products as the same economic poison, may be registered as a single economic poison. Additional names and labels shall be added by supplemental statements during the current period of registration *thereby permitting a change in a registered label, without additional fee, by adding to the registered label the name and address of a distributor, in addition to the name and address of the manufacturer shown on the registered label.*

§ 3-208.31. It shall be unlawful for any person to distribute, sell or offer for sale within this Commonwealth or deliver for transportation or transport in intrastate commerce or between points within this Commonwealth through any point outside this State any of the following:

(1) any economic poison which is not registered pursuant to the provisions of Article 2 of this chapter, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration: Provided, that, in the discretion of the Commissioner, a change in the labeling or formula of an economic poison may be made, within a registration period, without requiring re-registration of the product: Provided further, that changes at no time are permissible if they lower the efficacy of the product.

(2) any economic poison *except those fertilizer-economic poison mixtures exempted by the Commissioner* unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package,

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if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing

(a) the name and address of the manufacturer, registrant, or person for whom manufactured;

(b) the name, brand, or trade mark under which said article is sold; and

(c) the net weight or measure of the content subject, however, to such reasonable variations as the Commissioner may permit.

(3) any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in § 3-208.12, unless the label shall bear, in addition to any other matter required by this chapter,

(a) a skull and crossbones;

(b) the word "poison" prominently, in red, on a background of distinctly contrasting color; and

(c) a statement of an antidote for the economic poison.

(4) the economic poisons commonly known as lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this chapter, or any other white powder economic poison which the Commissioner, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored: Provided, that the Commissioner may exempt any economic poison to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this subsection if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

(5) any economic poison which is adulterated or misbranded, or any device which is misbranded.

2. That the Code of Virginia be amended by adding §§ 3-203.1, 3-203.2 and 3-208.8:1 as follows:

§ 3-203.1. The term "defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

§ 3-203.2. The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

§ 3-208.8:1. The term "plant regulator" means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

CHAPTER 536

An Act to amend and reenact § 29-57, as amended, of the Code of Virginia, relating to persons entitled to county or State resident licenses.

[H 545]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That § 29-57, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-57. The following persons shall be entitled to a county license to hunt, trap or fish in the county of which they are resident, or of which they are legal voters, or in which they are stationed or located, or to a State resident license;

(a) Any person born in the United States or who has been naturalized and who has been a bona fide resident of the county for six months next preceding the date of application for license in such county;

(b) Any legal voter of the county wherein the license is applied for;

(c) Any unnaturalized person who owns real estate in the county and who has actually resided therein not less than five years next preceding the date of the application for the license in such county;

(d) * *Any member of the armed forces of* the United States, *on active duty,* while stationed or located in the county wherein the license is applied for;

(d-1) Any member of the armed forces of the United States, on active duty, when authorized by the Commanding Officer of a military reservation, the privileges of which license shall be limited to hunting, trapping or fishing only within the boundaries of that military reservation.

(e) Any student regularly enrolled in any bona fide preparatory school, college or university in this State who presents a certificate of enrollment for the current year to the clerk of the county wherein such school, college or university is located.

(f) Residents of cities the limits of which are wholly within the county wherein the license is applied for.

CHAPTER 537

An Act to amend and reenact §§ 29-129.1 and 29-132, as amended, of the Code of Virginia, relating to the power of the Commission of Game and Inland Fisheries to prescribe seasons and bag limits for all cities and counties and to the definition of big game and small game for the purpose of the hunting and trapping laws.

[H 546]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 29-129.1 and 29-132, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-129.1. Notwithstanding any other provisions hereafter enacted or ordained of local or special law, or any local ordinance the Commission shall have power, after careful study of each species of wild bird, animal and fish within the jurisdiction of the Commission in * *cities and* counties of the State to prescribe the seasons and bag limits for hunting, fishing, trapping or otherwise taking such wild birds, animals and fish by regulation adopted as provided in this article. * Provided that the Commission shall close Sundays or reduce the season or bag limit applicable by general law or regulation to any species in any political subdivision of the State on request of the governing body of any political subdivision of the State by resolution adopted by a majority vote of the members of such body.

§ 29-132. For the purpose of the hunting and trapping laws of this State, big game shall include bear, deer and elk and small game shall include all other game birds and game animals.

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Wild birds and wild animals shall be classed as follows:

(a) Nonmigratory game birds.—*Birds introduced by the Commission,* grouse, ringnecked * pheasant, bobwhite quail and turkey.

(b) Migratory game birds.—Doves, ducks, brant, geese, swan, coot, gallinules, sora, other rails, including Virginia, King and Clapper rails, plovers, snipe, woodcock and yellowlegs.

(c) Game animals.—Bear, deer, elk, fox, rabbit and squirrel.

(d) Furbearing animals.—Beaver, mink, muskrat, opossum, otter and raccoon.

(e) Predatory or undesirable species of birds and animals.—Blackbird, buzzard, crow, English sparrow, hawk, jaybird, owl and starling, weasel, wildcat, skunk and all other wild animals not otherwise classed as game or furbearing animals, provided, however, that hawks and owls shall be so classed only when a landowner or his agent considers it necessary to kill these species to protect from destruction his poultry or the game birds on his property, or when the board of supervisors of a county considers it necessary to permit the killing of these species to protect poultry or game birds in such county.

CHAPTER 538

An Act to authorize the Commission of Game and Inland Fisheries to prescribe seasons, bag limits and methods of taking and killing fish and game on lands and waters owned by such Commission and on other lands and waters controlled by such Commission; and to repeal certain acts.

[H 547]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The Commission of Game and Inland Fisheries is hereby authorized, notwithstanding any other provision of law or local ordinance to the contrary, to prescribe and enforce the seasons, bag limits and methods of taking fish and game on lands and waters owned by such Commission and on lands owned by others but controlled by such Commission.

§ 2. The Commission shall exercise its powers under this act by the adoption of rules and regulations in the manner provided by law.

CHAPTER 539

An Act to amend and reenact §§ 9-6.2 and 29-126, as amended, of the Code of Virginia, relating, respectively, to certain definitions pertaining to administrative agencies and to publication of proposed regulations concerning hunting, fishing and trapping.

[H 548]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 9-6.2 and 29-126, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 9-6.2. For the purpose of this chapter:

(a) "Agency" means any State department, commission, board or officer, having State-wide jurisdiction, authorized by law to make rules or

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to adjudicate contested cases, except those pertaining to the legislative or judiciary departments, and except the Department of Workmen's Compensation, State Corporation Commission, *the Commission of Game and Inland Fisheries,* State Board of Education and the Department of Education.

(b) "Rule" means any regulation (including amendments and repeals) of general application and future effect affecting private rights, privileges or interests, promulgated by an agency to implement, extend, apply, interpret or make specific the legislation enforced or administered by it, but does not include regulations solely concerning internal management of the agency or of the State government, nor regulations of which notice is customarily given to the public only by markers or signs, nor mere instructions.

(c) "Contested case" means a proceeding before an agency in which the rights, duties or privileges of a person are required by law to be determined after a hearing, but shall not include controversies relating to the amount, the payment or the refund of a tax, controversies relating to the issuance, denial, revocation or suspension of licenses by the Virginia Alcoholic Beverage Control Board; nor, in cases in which an agency issues a license, permit or certificate after an examination to test the knowledge or ability of the applicant, controversies over whether the examination was fair or whether the applicant passed the examination.

(d) The provisions of this chapter shall not apply to rules relating to or contested cases involving the conducting of public elections, the conduct of inmates of public institutions, the conduct of students at public schools or public educational institutions, the conduct of persons in the military service or the receipt of public assistance.

§ 29-126. The full text of any regulations proposed shall be published not less than fifteen nor more than thirty days before the same may be acted upon and shall name the time and place that the matters mentioned therein will be taken up, at which time any interested citizen shall be heard. Such publication, if the proposed regulations be of local application, shall be made in a newspaper published in the county, or, if there be none such, in a newspaper in the adjoining county or section or in such other manner as may be convenient. However, such publication, if the proposed regulations be of State-wide application, shall be made in a newspaper in every county and city in which a newspaper is published. *Also, a copy of such proposed regulations, being of either local application or State-wide application, shall be filed in the office of the Division of Statutory Research and Drafting, where it shall be subject to inspection during office hours by any person. Such filing must not be less than fifteen nor more than thirty days prior to the day on which the public hearing on such proposed regulations is to be held.*

CHAPTER 540

An Act to amend and reenact § 29-32 of the Code of Virginia, relating to power of game wardens to make arrests.

[H 550]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-32 of the Code of Virginia be amended and reenacted as follows:

§ 29-32. All game wardens are vested with the authority, upon displaying badge or other credential of office, to arrest any person found in

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the act of violating any of the provisions of the hunting, trapping, inland fish and dog laws.

Any game warden shall have general police power while in the performance of his duty on properties owned or controlled by the Commission of Game and Inland Fisheries.

CHAPTER 541

An Act to amend and reenact §§ 29-37 and 29-68.1 of the Code of Virginia, relating to reports of regular and special game wardens to the Commission of Game and Inland Fisheries, and to certain requirements before issuance of licenses to hunt, trap or fish.

[H 551]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 29-37 and 29-68.1 of the Code of Virginia be amended and reenacted as follows:

§ 29-37. * *Regular and special game wardens shall file such reports, in such form, as the Commission from time to time may require.*

§ 29-68.1. All licenses shall be dated, numbered, and signed by the clerk or agent and besides showing other information required by law or thought pertinent by the Commission, shall have printed in red on the top of the face thereof in bold type equal in size to the largest type appearing thereon, the following words:

"See Back for Legal Restrictions of License", and, on the back of license, there shall be printed a concise but full statement of the law applying to persons hunting, fishing or trapping on the lands, waters, ponds, boats or blinds of another without the consent of the owner.

CHAPTER 542

An Act for the relief of James S. Nicholas.

[H 554]

Approved March 31, 1960

Whereas, on September 1, 1954, James S. Nicholas was an attendant at the Lynchburg Training School and Hospital, situate at Colony, in Amherst County, Virginia; and

Whereas, in the course of his duties as an attendant at said hospital, it became his duty to nurse a patient ill with encephalitis; and

Whereas, as a result of his duties in nursing said patient, James S. Nicholas contracted encephalitis, as a result of which he was put to great expense for medical and hospital bills; and

Whereas, as a further result of his disease, he was incapacitated for future work and his mind, nervous system and body have been so affected that he cannot work any more; and

Whereas, no workmen's compensation or other benefits were paid to James S. Nicholas, although he was entitled to the same, and when he had recovered his faculties sufficiently to realize that he did have a claim the statute of limitations had run thereon; and

Whereas, correspondence in the file on James S. Nicholas at the Lynchburg Training School and Hospital has been lost and cannot be located; and

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Whereas, James S. Nicholas is without a remedy at law and is unable to apply to the Industrial Commission for relief; and

Whereas, the General Assembly is of the opinion that this case should be passed upon by the Industrial Commission; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That the statute of limitations set out in the Workmen's Compensation Act be hereby waived so that an adjudication of the merits of this case may be had.

CHAPTER 543

An Act to amend and reenact § 58-153, as amended, of the Code of Virginia, relating to classification and exemptions of beneficiaries for purposes of taxation of inheritances and rates of tax.

[H 555]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-153, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-153. For the purposes of this chapter, the classification of beneficiaries, their exemptions and the rates of taxation shall be as follows:

Class A. The father, mother, grandfathers, grandmothers, husband, wife, children by blood or by legal adoption, stepchildren, grandchildren and all other lineal ancestors and lineal descendants of the decedent shall constitute class A.

So much of such property as has the actual value of five thousand dollars and so passes to or for the use of any class A beneficiary shall be exempt from taxation hereunder.

So much of such property as shall so pass to or for the use of a class A beneficiary shall be subject: To a tax of one per centum of the actual value of so much thereof as is in excess of five thousand dollars and is not in excess of fifty thousand dollars; to a tax of two per centum upon so much thereof as is in excess of fifty thousand dollars and is not in excess of one hundred thousand dollars; to a tax of three per centum upon so much thereof as is in excess of one hundred thousand dollars and is not in excess of five hundred thousand dollars; to a tax of four per centum upon so much thereof as is in excess of five hundred thousand dollars and is not in excess of one million dollars; and to a tax of five per centum upon all in excess of one million dollars.

Class B. The brothers, sisters, nephews and nieces of the whole or half blood of the decedent shall constitute class B.

So much of such property as has the actual value of two thousand dollars and so passes to or for the use of any class B beneficiary shall be exempt from taxation hereunder.

So much of such property as shall so pass to or for the use of a class B beneficiary shall be subject to a tax of two per centum of the actual value of so much thereof as is in excess of two thousand dollars and is not in excess of twenty-five thousand dollars; to a tax of four per centum upon so much thereof as is in excess of twenty-five thousand dollars and is not in excess of fifty thousand dollars; to a tax of six per centum upon so much thereof as is in excess of fifty thousand dollars and is not in excess of one hundred thousand dollars; to a tax of eight per centum upon so much thereof as is in excess of one hundred thousand dollars and is not in excess of five hundred thousand dollars; and to a tax of ten per centum upon all in excess of five hundred thousand dollars.

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Class C. Grandnephews and grandnieces of the decedent and all persons other than members of classes A and B and all firms, institutions, associations and corporations shall constitute class C.

So much of such property as has the actual value of one thousand dollars and so passes to or for the use of any class C beneficiary shall be exempt from taxation hereunder.

So much of such property as shall so pass to or for the use of a class C beneficiary shall be subject to a tax of five per centum of the actual value of so much thereof as is in excess of one thousand dollars and is not in excess of twenty-five thousand dollars; to a tax of seven per centum upon so much thereof as is in excess of twenty-five thousand dollars and is not in excess of fifty thousand dollars; to a tax of nine per centum upon so much thereof as is in excess of fifty thousand dollars and is not in excess of one hundred thousand dollars; to a tax of twelve per centum upon so much thereof as is in excess of one hundred thousand dollars and is not in excess of five hundred thousand dollars; and to a tax of fifteen per centum upon all in excess of five hundred thousand dollars.

In the computation of the property passing to a beneficiary there shall be excluded from such computation the value of any annuity or survivors benefit payable under the Railroad Retirement Act of 1937 (45 USCA § 228a et seq.) to such beneficiary, *or the value of any annuity payable to such beneficiary under § 2259 (g) of Chapter 30, Title 5 of the United States Code, as now or hereafter amended.*

CHAPTER 544

An Act to amend and reenact § 56-405, as amended, of the Code of Virginia, relating to the maintenance of grade crossings of public roads and approaches thereto.

[H 556]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 56-405, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 56-405. At every crossing, now existing or hereafter established, of a public road by a railroad or of a railroad by a public road at grade, it shall be the duty of the railroad company to keep such crossing in good repair to the full width of the public road, and to maintain such crossing in a smooth condition so as to admit of safe travel over the same, and it shall also be the duty of the railroad company to maintain and keep in good repair that portion of the highway located between points two feet on either side of the extreme rails. Any railroad company violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than ten dollars nor more than two hundred dollars.

Nothing herein shall be construed as placing a duty on the railroad company to construct or reconstruct any such crossing in the event any such crossing is relocated or the highway approaches thereto are widened or reconstructed.

CHAPTER 545

An Act to amend the Code of Virginia by adding a section numbered 15-7.2, to authorize the governing bodies of towns to acquire property within

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or without the town for certain purposes, to provide the procedure therefor, and to authorize the lease or sale of any such lands so acquired.

[H 558]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 15-7.2 as follows:

§ 15-7.2. The governing body of any town may acquire by gift or purchase, but not by condemnation, land within the town or within three miles thereof for the development thereon of business and industry. No such land shall be so acquired unless and until the council has held a public hearing thereon concerning such proposed acquisition. Any land so acquired may be leased or sold at public or private sale to any person, firm or corporation who will locate thereon any business or manufacturing establishment. This section shall constitute the authority for any town to exercise the powers herein conferred notwithstanding any charter provision to the contrary.

CHAPTER 546

An Act to amend the Code of Virginia by adding sections numbered 33-117.2 through 33-117.4, to authorize the State Highway Commission, when a portion of a tract of land is to be utilized for rights of way or other highway purposes, to acquire the entire tract of land or a part thereof, under conditions, and to dispose of residue parcels.

[H 559]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding sections numbered 33-117.2 through 33-117.4 as follows:

§ 33-117.2. In acquiring rights of way for highway construction, reconstruction or improvement, and lands incidental to such construction, reconstruction or improvement, the State Highway Commission is authorized and empowered, whenever a portion of a tract of land is to be utilized for right of way, or a purpose incidental to the construction, reconstruction or improvement of a public highway, to acquire by purchase or gift, the entire tract of land or any part thereof, whenever the remainder of such tract or part thereof can no longer be utilized for the purpose for which the entire tract is then being utilized, or a portion of a building is to be taken or the cost of removal or relocation of the buildings or other improvements on the remaining portion, necessitated by the taking, would exceed the cost of destroying such buildings or other improvements, or the highway project will leave the remaining portions without a means of access to a public highway, or whenever in the judgment of the State Highway Commission the resulting damages to the remainder of such tract or part thereof lying outside the proposed right of way, or the area being acquired for a purpose incidental to the construction, reconstruction or improvement of a public highway, will approximate or equal the fair market value of such remaining lands; provided, however, that the State Highway Commission shall not acquire the remainder of such tracts where the remaining portion is in excess of ten acres.

§ 33-117.3. The acquisition of such residue parcels in addition to the

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lands necessary for the immediate use for highway rights of way, or purposes incidental to the construction, reconstruction or improvement of public highways, is hereby declared to be in the public interest and constitutes a public use as to the term public uses is used in § 58 of the Constitution of Virginia; however, this shall not confer the right of eminent domain under the provisions of § 33-117.2.

§ 33-117.4. The State Highway Commission may lease, sell or exchange such residue parcels of land upon such terms and conditions as in the judgment of the Commission may be in the public interest; provided, however, the Commission shall not use such parcels for any commercial purpose. The State Highway Commission may lease, sell, or exchange such residue parcels of land, as may have been acquired under the provisions of Article 8 of Chapter 3 of Title 33 of the Code of Virginia, upon such terms and conditions as in the judgment of the Commission may be in the public interest. The State Highway Commission may lease such parcels of land, as may have been acquired under the provisions of § 33-57.1 of the Code of Virginia in the event the former owner fails to make the request authorized under the aforesaid section to others than the former owner, upon such terms and conditions as in the judgment of the Commission may be in the public interest. The provisions of Articles 6.1 and 6.2 of Chapter 1 of Title 33 of the Code of Virginia shall not be construed to apply to the disposition of land hereinabove authorized.

CHAPTER 547

An Act to amend and reenact §§ 58-1142 as amended, and 58-1152.1 of the Code of Virginia, relating to correction of erroneous assessment of local levies and to refunds of local levies erroneously paid.

[H 568]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-1142 as amended, and 58-1152.1 of the Code of Virginia, be amended and reenacted as follows:

§ 58-1142. If such commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, be satisfied that he has erroneously assessed such applicant with any such levy, as aforesaid, the commissioner or such other official shall correct such assessment. If the assessment exceeds the proper amount, the commissioner or such other official shall exonerate the applicant from the payment of so much as is erroneously charged if not paid into the treasury of the county or city; and if paid, the governing body of the county or city shall, upon the certificate of the commissioner or such other official with consent of the town, city or Commonwealth's attorney that such assessment was erroneous, direct the treasurer of the county or city to refund the excess to the taxpayer, provided such time be within * *three* years from the thirty-first day of December of the year in which such assessment was made. If the assessment be less than the proper amount, the commissioner or such other official shall assess such applicant with the proper amount *provided, further, that if any assessment be erroneous, because of a mere clerical error or calculation, the same may be corrected as herein provided and with or without any petition from the taxpayer involved, and without any limitation as to time.* A copy of any correction made under this section shall be certified by the commissioner or such other official to the treasurer of his county or the treasurer or city collector of his city; provided, however, that when an unpaid erroneous assessment of real estate is corrected

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under this section and such real estate has been sold at a delinquent land sale, the commissioner or such other official making such correction shall certify a copy of such correction to the clerk of the circuit court of his county or to the clerk of the court in whose office deeds are admitted to record in his city, as the case may be; and such clerk shall note such correction in the Delinquent Land Book opposite the entry of the tract or lot for the year or years for which such correction is made. No refund of a State capitation tax shall be made under this section.

§ 58-1152.1. The governing body of any city or county may provide by ordinance for the refund of any local levies erroneously paid. If such ordinance be passed, and the commissioner of the revenue is satisfied that he has erroneously assessed such applicant with any local levies as provided in §§ 58-1141 and 58-1142, he shall certify to the tax collecting officer the amount erroneously assessed. If the levies have not been paid, the applicant shall be exonerated from payment of so much thereof as is erroneous, and if such levies have been paid, the tax collecting officer or his successor in office shall refund to the applicant the amount erroneously paid, together, with any penalties and interest paid thereon.

When the commissioner of the revenue who made the erroneous assessment has been succeeded by another person, such person shall have the same authority as the commissioner making the original erroneous assessment provided he makes diligent investigation to determine that the original assessment was erroneously made and certifies thereto to the local tax collecting officer and to his local governing body.

No refund shall be made in any case when more than three years * *have* elapsed since * *payment of the amount erroneously assessed.*

CHAPTER 548

An Act to amend and reenact § 18-75.1, as amended, of the Code of Virginia, relating to chemical analysis of alcohol in blood of persons charged with offense of drunk driving.

[H 569]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 18-75.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 18-75.1. In any criminal prosecution under § 18-75, or similar ordinance of any county, city or town, no person shall be required to submit to a determination of the amount of alcohol in his blood at the time of the alleged offense as shown by a chemical analysis of his blood, breath, or other bodily substance; however, any person arrested for a violation of § 18-75 or similar ordinance of any county, city or town, *if within two hours of the time of the alleged offense,* shall be entitled to a determination of the amount of alcohol in his blood at the time of the alleged offense as shown by a chemical analysis of his blood or breath, provided the request for such determination is made within * *such time.* Any such person shall, at the time of his arrest, *if within two hours of the time of the alleged offense,* be informed by the arresting authorities of his right to such determination, and if he makes such request, the arresting authorities shall render full assistance in obtaining such determination with reasonable promptness.

Only a physician, nurse or laboratory technician, shall withdraw blood for the purpose of determining the alcoholic content therein. The blood sample shall be placed in a sealed container provided by the Chief Medical

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Examiner. Upon completion of taking of the sample, the container must be resealed in the presence of the accused after calling the fact to his attention. The container shall be especially equipped with a sealing device, sealed so as not to allow tampering, labelled and identified showing the person making the test, the name of the accused, the date and time of taking. The sample shall be delivered to the police officer for transporting or mailing to the Chief Medical Examiner. Upon receipt of the blood sample, the office of the Chief Medical Examiner shall examine it for alcoholic content. That office shall execute a certificate which certificate shall indicate the name of the accused, the date, time and by whom the same was received and examined, and a statement that the container seal had not been broken or otherwise tampered with and a statement of the alcoholic content of the sample. The certificate, attached to the container shall be returned to either the police officer making the arrest, the department from which it came, or to the clerk of the court in which the matter will be heard.

Upon the request of the person who was given a chemical test of blood or breath, the results of such test shall be made available to him.

An amount not to exceed five dollars to cover the costs of taking blood and making an analysis thereof shall be taxed as part of the costs of the case.

Other than as expressly provided herein, the provisions of this section shall not otherwise limit the introduction of any competent evidence bearing upon any question at issue before the court. The failure of the accused to request such a determination is not evidence and shall not be subject to comment in the trial of the case.

CHAPTER 549

An Act to authorize the Commission of Game and Inland Fisheries to convey its interest in certain property and to take certain other property in exchange.

[H 570]

Approved March 31, 1960

Whereas, the Commission of Game and Inland Fisheries, hereinafter referred to as party of the first part, is the owner of a large tract of land in Roanoke County, Virginia, known as "Haven's Refuge", which said tract of land lies along and in places contiguous to Virginia Secondary Route #622 and Masons Creek; and

Whereas, Roy B. Jennings and Nora E. Jennings, husband and wife, hereinafter referred to as parties of the second part, are the owners of a tract of land adjoining a portion of the boundary of the said Haven's Refuge property of the party of the first part; and

Whereas, Harmon Smith and Tennie Smith, husband and wife, hereinafter referred to as parties of the third part, are the owners of a tract of land adjoining a portion of the boundary of the said Haven's Refuge property of the party of the first part; and

Whereas, the exact boundary as between the properties of the party of the first part and the parties of the second part and the parties of the third part is uncertain and in dispute and it is the desire of the parties to establish, fix and agree upon a boundary line between their respective lands; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. Party of the first part is hereby authorized to convey its right, title

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and interest and that of the Commonwealth in a portion of Haven's Refuge to parties of the second part and to accept a deed from parties of the second part conveying their right, title and interest in the adjoining property to the end that the boundary line between party of the first part and parties of the second part shall be as follows:

Beginning at the point where the boundary line between the property of Harmon Smith and Tennie Smith, and the property conveyed to the parties of the second part herein by deed of record in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, in Deed Book 527, at Page 518, crosses the center line of Masons Creek; thence with the center of Masons Creek the following calls and distances: S. 87° 20′ 15″ E. 23.77 feet to a point; S. 87° 20′ 15″ E. 69.23 feet to a point; N. 65° 09′ 45″ E. 93 feet to a point; N. 50° 58′ 45″ E. 121.10 feet; N. 50° 58′ 45″ E. 133.80 feet to the point at which the Westerly boundary line of the property of the parties of the second part crosses the center line of Masons Creek.

Party of the first part is also authorized to convey its right, title and interest and that of the Commonwealth in a portion of Haven's Refuge to parties of the third part and to accept a deed from parties of the third part conveying their right, title and interest in the adjoining property to the end that the boundary line between party of the first part and parties of the third part shall be as follows:

Beginning at the southwesterly corner of the property conveyed to the parties of the second part by deed of record in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, in Deed Book 204, at Page 472, which said beginning point is marked by a concrete monument; thence leaving said beginning point N. 51° 09′ E. 567.59 feet to a monument; thence N. 57° 40′ E. 160.39 feet to a monument in the center of Masons Creek; thence with the center of Masons Creek the following calls and distances: N. 89° 09′ E. 121.87 feet; N. 21° 22′ 30″ E. 193 feet to a point; N. 64° 58′ 55″ E. 81.67 feet; N. 64° 30′ 15″ E. 202.10 feet; N. 84° 45′ 45″ E. 104.83 feet; N. 46° 41′ 15″ E. 143.55 feet; N. 82° 50′ 15″ E. 55.74 feet; N. 38° 15′ 15″ E. 283.05 feet; N. 38° 15′ 15″ E. 100.95 feet; N. 68° 35′ 45″ E. 112.78 feet; and S. 88° 37′ 57″ E. 64 feet to the dividing line between the property of the parties of the second part and the property of S. Myrl Glenn.

CHAPTER 550

An Act to amend and reenact § 15-152.12 of the Code of Virginia, relating to the powers of court, rule of decision and terms and conditions in annexation proceeding instituted by cities and towns.

[H 571]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-152.12 of the Code of Virginia be amended and reenacted as follows:

§ 15-152.12. The court, in making its decision, shall balance the equities in the case, and shall enter an order setting forth what it deems fair and reasonable terms and conditions, and shall direct the annexation in conformity therewith. It shall have power:

(a) To determine the metes and bounds of the territory to be annexed, and may include a greater or smaller area than that described in the ordinance or petition; the court shall so draw the lines of annexation as to have a reasonably compact body of land, and so that no land shall be taken into the city which is not adapted to city improvements, or which

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the city will not need in the reasonably near future for development, unless necessarily embraced in such compact body of land;

(b) To require the assumption by the city or town of a just proportion of any existing debt of the county or any district therein;

(c) To require the payment by the city of a sum to be determined by the court, payable on the effective date of annexation, to compensate the county for the value of public improvements, including but not limited to the paving of public roads and streets, the construction of sidewalks thereon, the installation of water-mains, or sewers, garbage disposal systems, fire protection facilities, bridges, public schools and equipment thereof, or any other permanent public improvements owned and maintained by the county at the time of annexation; and further to compensate the county in not more than five annual installments for prospective loss of net tax revenues during the next five years, to such extent as the court in its discretion may determine, because of annexation of taxable values to the city;

(d) To require the payment by a town of a sum to be determined by the court, payable on the effective date of annexation to compensate the county for any such public improvement which becomes the property of the town by annexation; provided, that the order may provide that if, within five years after the order, such town becomes a city, it shall, from and after it becomes a city, make such payments as are provided for in paragraph (c) above for a period not to exceed five years from the date of such order.

(e) In lieu of providing for compensation of the county for any public improvement, to provide that any such improvement shall remain the property of the county, or to provide for joint use thereof by the county and city or town under such conditions as the court may prescribe with consent of the governing bodies affected;

(f) To prescribe what capital outlays shall be made by the city in the area after annexation; provided, that the court shall require of the city the provision of any capital improvements which in its judgment are essential to meet the needs of the annexed area and to bring the same up to a standard equal to that of the remainder of the city; and provided further, that the court may, in its discretion, require as a condition of annexation the provision of capital improvements in addition to those specified in the annexation ordinance when the same are required to meet the needs of the area annexed.

(g) To require the payment by the city or town to any common carrier of passengers by motor bus, who may become a party to said annexation proceeding, of a sum to be determined by the court to compensate such carrier for any loss or damage such carrier may suffer from the effects of the annexation order upon the operations of such carrier; provided, however, the said city or town may elect to permit such carrier to continue to operate within the annexed area for such period of time, to be determined by the court, as will permit such carrier to liquidate and recover its investment through depreciation.

CHAPTER 551

An Act to amend and reenact § 17-119, as amended, of the Code of Virginia, relating to judicial circuits and additional judges in certain judicial circuits; and to amend and reenact §§ 17-221.1, 17-221.4, 17-221.7, 17-221.10, and 17-221.14 of the Code of Virginia, relating to the courts of record of the city of Newport News; to the election, compensation and duties of the clerks of such courts; to prescribe the

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jurisdiction of such courts; and to provide for interchange of judges and transfer of cases between such courts.

[H 573]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 17-119, 17-221.1, 17-221.4, 17-221.7, 17-221.10, and 17-221.14 of the Code of Virginia be amended and reenacted as follows:

§ 17-119. The State shall be divided into * judicial circuits as follows:

(1) The county of Norfolk shall constitute the first circuit.

(2) The counties of Nansemond and Southampton and the city of Suffolk shall constitute the second circuit.

(3) The counties of Prince George, Sussex, Surry, Greensville and Brunswick and the city of Hopewell shall constitute the third circuit.

(4) The counties of Dinwiddie, Nottoway, Amelia and Powhatan and the city of Petersburg shall constitute the fourth circuit.

(5) The counties of Appomattox, Charlotte, Prince Edward, Buckingham and Cumberland shall constitute the fifth circuit.

(6) The counties of Bedford and Campbell and the city of Lynchburg shall constitute the sixth circuit.

(7) The counties of Henry and Patrick and the city of Martinsville shall constitute the seventh circuit.

(8) The counties of Madison, Greene, Fluvanna and Albemarle and the city of Charlottesville shall constitute the eighth circuit.

(9) The counties of Culpeper, Orange, Louisa and Goochland shall constitute the ninth circuit.

(10) The county of Henrico and the city of Richmond shall constitute the tenth circuit.

(11) The cities of Hampton and Newport News shall constitute the eleventh circuit, provided that after July one, nineteen hundred and sixty-*two,* the city of Hampton shall constitute the eleventh circuit.

(12) The counties of Richmond, Northumberland, Westmoreland, Lancaster and Essex shall constitute the twelfth circuit.

(13) The counties of Gloucester, Mathews, King and Queen, King William and Middlesex shall constitute the thirteenth circuit.

(14) The counties of New Kent, Charles City, York and James City and the cities of Warwick and Williamsburg shall constitute the fourteenth circuit, provided that after July one, nineteen hundred and fifty-eight, the counties of New Kent, Charles City, York and James City and the cities of Newport News and Williamsburg shall constitute the fourteenth circuit until July one, nineteen hundred and sixty, when the city of Newport News will cease to be a part of the fourteenth circuit.

(15) The counties of King George, Stafford, Spotsylvania, Caroline and Hanover and the city of Fredericksburg shall constitute the fifteenth circuit.

(16) The counties of Prince William and Fairfax and the city of Alexandria shall constitute the sixteenth circuit.

(17) The counties of Frederick, Clarke, Warren and Shenandoah shall constitute the seventeenth circuit.

(18) The counties of Augusta, Highland and Rockbridge and the city of Buena Vista shall constitute the eighteenth circuit.

(19) The counties of Bath, Alleghany, Craig and Botetourt and the city of Clifton Forge shall constitute the nineteenth circuit.

(20) The county of Roanoke and the city of Roanoke shall constitute the twentieth circuit.

(21) The counties of Pulaski, Carroll, Wythe and Grayson shall constitute the twenty-first circuit.

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(22) The counties of Bland, Tazewell and Giles shall constitute the twenty-second circuit.

(23) The counties of Washington and Smyth and the city of Bristol shall constitute the twenty-third circuit.

(24) * The counties of Lee and Scott shall constitute the twenty-fourth circuit.

(25) The counties of Rockingham and Page shall constitute the twenty-fifth circuit.

(26) The counties of Rappahannock, Fauquier and Loudoun shall constitute the twenty-sixth circuit.

(27) * The counties of Buchanan, Dickenson and Russell shall constitute the twenty-seventh circuit.

(28) The counties of Princess Anne and Isle of Wight * shall constitute the twenty-eighth circuit.

(29) The counties of Amherst and Nelson and the city of Waynesboro shall constitute the twenty-ninth circuit.

(30) The counties of Franklin and Pittsylvania shall constitute the thirtieth circuit.

(31) The counties of Accomack and Northampton shall constitute the thirty-first circuit.

(32) The city of Norfolk shall constitute the thirty-second circuit.

(33) * The county of Wise shall constitute the thirty-third circuit.

(34) The counties of Halifax, Mecklenburg and Lunenburg shall constitute the thirty-fourth circuit.

(35) The county of Arlington shall constitute the thirty-fifth circuit.

(36) The counties of Floyd and Montgomery and the city of Radford shall constitute the thirty-sixth circuit.

(37) The county of Chesterfield shall constitute the thirty-seventh circuit.

(38) On and after July one, nineteen hundred sixty, the city of Portsmouth shall constitute the thirty-eighth circuit. The judge of the twenty-eighth judicial circuit residing in the city of Portsmouth on July one, nineteen hundred sixty, shall be the judge of the thirty-eighth judicial circuit for the balance of the term for which elected as judge of the twenty-eighth judicial circuit and shall forthwith relinquish his office as judge of the twenty-eighth judicial circuit.

(39) On and after July 1, 1962, the city of Newport News shall constitute the fortieth circuit.

Should the federal census of nineteen hundred and sixty or other census provided for by law disclose that the counties of Hanover and Caroline have a combined population in excess of forty thousand inhabitants then the senior judge of the fifteenth circuit shall enter an order in the circuit courts of both of such counties setting out such fact. A certified copy of such order shall be transmitted by the clerk of each such court to the Secretary of the Commonwealth, who shall file and preserve the same in the records of his office and shall report to the Governor at once the fact that such counties have a combined population in excess of forty thousand, as disclosed by such census. The Governor, upon receiving such report, shall at once make proclamation of such fact, copies of which proclamation shall be certified to the clerks of each of the courts then constituting the fifteenth judicial circuit who shall endorse thereon the date when received and record the same in the common-law order books of such courts.

After such proclamation has been recorded in the manner hereinabove provided, the counties of Hanover and Caroline shall constitute the fifteenth judicial circuit, and the counties of King George, Stafford and Spotsylvania and the city of Fredericksburg shall become and constitute a new judicial circuit, designated and known as the thirty- * *ninth* circuit.

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In such event, the Governor shall designate which of the judges of the fifteenth judicial circuit shall continue to be the judge of that circuit, and which of such judges shall be the judge of the new thirty- * *ninth* judicial circuit composed of the counties of King George, Stafford and Spotsylvania and the city of Fredericksburg.

§ 17-221.1. There shall be for the city of Newport News the following courts:

(1) The Corporation Court of the City of Newport News.

(2) The Circuit Court of the City of Newport News *.

(3) The Circuit Court of the City of Newport News, Part Two.

(4) The * *Corporation* Court of the City of Newport News, *Part Two.*

The provisions of this chapter relating to the * *Corporation* Court of the city of Newport News, *Part Two* shall not be effective, nor shall such court be created until July one, nineteen hundred and sixty.

§ 17-221.4. There shall be a clerk of the Corporation Court who shall also be clerk of the Circuit Court, * who shall be the clerk of the Corporation Court of the city of Newport News on * *the effective date of consolidation.* There shall be a clerk of the Circuit Court, Part Two, who shall be the Clerk of the Circuit Court of the city of Warwick on the effective date of * *consolidation.* Each clerk shall be elected by the qualified voters of the city on the first Tuesday after the first Monday in November of the last year of the term for which he was elected or appointed for terms of eight years to commence on the first day of February of the year following their election. Each such clerk shall be paid a salary out of the treasury of the city of Newport News of not less than eight thousand dollars nor more than twelve thousand dollars per annum as the governing body of the city of Newport News may determine. Such salary shall be in lieu of the retention by any such clerk of any fees or emoluments received by him in execution of his office.

Effective July one, nineteen hundred and sixty, the clerk of the Circuit Court, Part Two, shall become and be clerk of the * *Corporation Court, Part Two,* and shall continue to serve in such capacity for the remainder of the term for which elected, and until his successor shall have been chosen and qualified as provided by law. *Provided, however, whenever in this chapter of the Code of Virginia, or in the charter of the city of Newport News, reference is made to the Clerk of the Circuit Court, Part Two, or to the Clerk of the Law and Chancery Court, such reference shall be deemed to refer to the Clerk of the Corporation Court, Part Two, on and after July one, nineteen hundred and sixty.*

§ 17-221.7. Within the corporate limits of the city, the Circuit Court of the city of Newport News, * shall have concurrent jurisdiction with the Corporation Courts of the city, except as to matters of criminal jurisdiction, the probate and recordation of wills and the appointment and qualification of fiduciaries, save when it may be necessary to appoint a fiduciary in the progress of a suit pending in such court.

*

Provided, however, whenever in this chapter of the Code of Virginia, or in the charter of the city of Newport News, reference is made to the Circuit Court, Part One, such reference shall be deemed to refer to the Circuit Court of the City of Newport News.

§ 17-221.10. Within the corporate limits of the city, the Circuit Court, Part Two, *and the Corporation Court, Part Two,* of the city of Newport News shall have concurrent jurisdiction with the corporation court of the city as to all matters, cases or proceedings of any nature.

The Circuit Court, Part Two, shall be abolished July one, nineteen hundred and sixty. All * matters, cases and proceedings *of any nature* then pending therein shall be transferred to and subject to the jurisdiction of the * *Corporation Court, Part Two. Provided, however, whenever in*

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this chapter of the Code of Virginia, or in the charter of the city of Newport News, reference is made to the Circuit Court, Part Two, or to the Law and Chancery Court, such reference shall be deemed to refer to the Corporation Court, Part Two, on and after July one, nineteen hundred and sixty, except that the jurisdiction of the Corporation Court, Part Two, shall be concurrent with the Corporation Court of the City of Newport News.

§ 17-221.14. The judge or associate judge, as the case may be, of the fourteenth judicial circuit, who shall reside within the corporate limits of the city on July one, nineteen hundred and sixty, shall be judge of the * *Corporation Court, Part Two,* for the balance of the term to which elected as judge or associate judge of such circuit and shall forthwith relinquish his office as judge or associate judge of the fourteenth judicial circuit. If neither such judge nor associate judge shall reside within the corporate limits of the city, such fact shall be certified at once by the clerk of the * *Corporation Court, Part Two,* to the Governor who shall appoint a judge in the manner prescribed by law.

CHAPTER 552

An Act authorizing and empowering the Governor to execute in the name of the Commonwealth of Virginia a deed conveying to the United States of America, certain lands containing 50 acres, more or less, situate in the James River, in the city of Newport News, Virginia.

[H 574]

Approved March 31, 1960

Whereas, it is the desire and intention of the federal government to construct and develop a marginal area created by dredged material in the James River, provided the lands are acquired; and

Whereas, the title to a part of the lands necessary in connection with the construction and development of such area is in the Commonwealth of Virginia; and

Whereas, such development will contribute much to the Hampton Roads area and the national defense; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. The Governor of Virginia is hereby authorized and empowered to execute in the name of the Commonwealth of Virginia, a deed in form approved by the Attorney General conveying such rights, title and interest as the Commonwealth of Virginia may have in that certain piece, parcel or tract of land containing fifty acres, more or less, situate in the James River, city of Newport News, Virginia, all of which is shown on map on file in the office of the U. S. Army Engineer District, Norfolk, Virginia, titled "North Atlantic Division, Norfolk District, Real Estate, Goose Island, Fort Eustis Military Reservation, dated 18 Sept. '44", and being more particularly bounded and described as follows:

All that certain tract or parcel of land lying and situate in the city of Newport News, Virginia, being the northern portion of Goose Island located in the James River on the southerly side of the Skiffes Creek Channel and more particularly described as follows: Beginning at a point on the mean low water line on the east edge of Goose Island, said point being south 21°30′ west 855 feet, more or less, from a monument marked "USGS Primary Traverse Station No. 2" located on the Fort Eustis Military Reservation between Skiffes Creek and Milstead Creek; thence, with the lands now or formerly of William Edward Hogg south 74°46′ west 2,064 feet and

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south 84°20′ west 1,020 feet to a point on the mean low water line on the west edge of Goose Island; thence, generally northerly, easterly and southerly following the meanderings of the mean low water line, approximately 5,000 feet to the point of beginning, containing 50.00 acres, more or less.

Being a part of the land created by channel dredging and owned by the Commonwealth of Virginia pursuant to Code of Virginia, Title 41, Section 8.

2. An emergency exists and this act is in force from its passage.

CHAPTER 553

An Act to amend and reenact § 62-1 of the Code of Virginia, relating to the ownership of beds of bays, rivers, creeks and shores of the sea.

[H 576]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 62-1 of the Code of Virginia be amended and reenacted as follows:

§ 62-1. All the beds of the bays, rivers, creeks and the shores of the sea within the jurisdiction of this Commonwealth, and not conveyed by special grant or compact according to law, shall continue and remain the property of the Commonwealth of Virginia, and may be used as a common by all the people of the State for the purpose of fishing and fowling, and of taking and catching oysters and other shellfish, subject to the provisions of Title 28, and any future laws that may be passed by the General Assembly. And no grant shall hereafter be issued by the State Librarian to pass any estate or interest of the Commonwealth in any natural oyster bed, rock, or shoal, whether the bed, rock or shoal shall ebb bare or not.

The Commission of Game and Inland Fisheries is hereby empowered to control land owned by and under the control of the Commonwealth under Back Bay, its tributaries and the North Landing River from the North Carolina line to North Landing Bridge, in order to regulate or prohibit by regulation any drilling, dredging or other operation designed to recover or obtain shell, minerals or other substance, in order to prevent practices and operations which would harm the area for fish and wildlife.

CHAPTER 554

An Act to amend and reenact § 58-266.2 and § 58-266.3, as amended, of the Code of Virginia, relating to license taxes in certain counties.

[H 577]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-266.2 and § 58-266.3, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-266.2. The governing body of any county in this State having a population of more than two thousand per square mile, according to the last preceding United States census, and of any county having an area of less than sixty square miles, *and the governing body of any county having an area of one thousand square miles or more, and the governing body of any county within the boundaries of which is located a city having a*

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population of more than ninety thousand but less than two hundred thousand, is hereby authorized to levy and to provide for the assessment and collection of county license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the county, whether any license tax be imposed thereon by the State or not *except that in any county within the boundaries of which is located a city having a population of more than ninety thousand but less than two hundred thousand, any license tax imposed hereunder shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege;* provided that no county license tax shall be levied in any case in which the levying of a local license tax is prohibited by any general law of this State, and provided further that no such county shall require a license to be obtained for the privilege or right of operating or conducting any radio or television broadcasting station or service, *and provided further that whenever any county within the boundaries of which is located a city having a population of more than ninety thousand but less than two hundred thousand imposes a county merchants' license tax, the same shall be in lieu of a county property tax on the capital of merchants, as defined by § 58-833, throughout the county, including the capital of merchants in incorporated towns located within such county.*

§ 58-266.3. The governing body of any county which has adopted the county manager form of organization and government provided for by chapter 11 (§ 15-266 et seq.) of Title 15, and the governing body of any county which adjoins three cities in this State, one of which has a population of more than one hundred ninety thousand, and any county which has adopted the county board form of organization and government provided in chapter 12 (§ 15-345 et seq.) of Title 15, and of any county having the county executive form of organization and government provided for by chapter 11 of Title 15, which adjoins a city, which city has a population of more than sixty thousand, * when anything for which a license is required by the State is to be done within the county, may impose, when not otherwise prohibited by general law, a license tax for the privilege of doing the same and require a license to be obtained therefor; and in any case in which it sees fit, require from the person licensed, bond, with surety, in such penalty and with such condition as it may deem proper. The ordinance imposing such tax shall provide for the time and manner of collection thereof and issuance of such license. Any license tax hereunder shall be in addition to any license tax imposed by the State or any town in such county *.

No such county shall require a license to be obtained for printing any newspaper, or for the privilege or right of operating or conducting any radio or television broadcasting station or service, or for maintaining or operating any other advertising medium not otherwise prohibited by law, nor shall any such county require a license from any motor vehicle carrier of passengers or property which is liable for and pays the road tax calculated on gross receipts prescribed by § 58-638 of the Code.

In addition, the governing body of any county which has adopted the county manager form of organization and government provided for by chapter 11 of Title 15 of the Code of Virginia, and of any county having the county executive form of organization and government provided for by chapter 11 of Title 15, which adjoins a city, which city has a population of more than sixty thousand, and of any county having a population of less than forty-one thousand and adjoining a city of more than two hundred thirty thousand population, may impose, when not otherwise prohibited by general law, a license tax for the privilege of doing anything within the county which the city adjoining such county could impose if done within such city and require a license to be obtained therefor; and in any case in

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which it sees fit, require from the person licensed, bond, with surety, in such penalty and with such condition as it may deem proper. The ordinance imposing such tax shall provide for the time and manner of collection thereof and issuance of such license. Any license tax hereunder shall be in addition to any license tax imposed by the State or any town in such county.

CHAPTER 555

An Act to authorize the Governor of Virginia and the State Hospital Board to sell and convey to the town of Marion certain property.

[H 580]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The Governor of Virginia and the State Hospital Board are hereby jointly authorized and empowered, on behalf of the Commonwealth, whenever in their judgment and discretion it is fitting and proper so to do, to sell and convey to the town of Marion for such consideration as they deem proper, all right, title and interest of the Commonwealth of Virginia and of the State Hospital Board in and to that real estate with improvements thereon owned by the State Hospital Board and located in the town of Marion or in the county of Smyth.

§ 2. The transfer and conveyance hereby authorized shall be by proper deed or deeds prepared by the Attorney General executed in the name of the Commonwealth of Virginia by the Governor and the Chairman of the State Hospital Board, under the lesser seal of the Commonwealth. The consideration received for said conveyance shall be paid into the general fund of the Commonwealth.

§ 3. This act is supplemental to any other law relating to such real estate and improvements.

CHAPTER 556

An Act to amend and reenact §§ 65-51, 65-52, 65-62, and 65-68, as amended, of the Code of Virginia, relating to Workmen's Compensation generally and, respectively, to compensation for total incapacity, compensation for partial incapacity, compensation to dependents of employees killed, and maximum compensation payable.

[H 589]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 65-51, 65-52, 65-62 and 65-68, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 65-51. When the incapacity for work resulting from the injury is total, the employer shall pay, or cause to be paid, as hereinafter provided, to the injured employee during such total incapacity, a weekly compensation equal to sixty per centum of his average weekly wages, but not more than * *thirty-five* dollars, nor less than * *twelve* dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor shall the total amount of all compensation exceed * *fourteen* thousand * dollars.

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§ 65-52. Except as otherwise provided in § 65-53, when the incapacity for work resulting from the injury is partial, the employer shall pay, or cause to be paid, as hereinafter provided, to the injured employee during such incapacity a weekly compensation equal to sixty per centum of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than * *thirty-five* dollars a week. In no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury. In case the partial incapacity begins after a period of total incapacity the latter period shall be deducted from the maximum period herein allowed for partial incapacity.

§ 65-62. If death results from the accident within six years, the employer shall pay, or cause to be paid, subject, however, to the provisions of the other sections of this act, in one of the methods hereinafter provided, to the dependents of the employee wholly dependent upon his earnings for support at the time of the accident a weekly payment equal to sixty per centum of his average weekly wages, but not more than * *thirty-five* dollars nor less than * *twelve* dollars a week for a period of three hundred weeks, but in no case to exceed * *ten* thousand * *five* hundred dollars from the date of the injury, and burial expenses not exceeding three hundred dollars. If the employee leaves dependents only partly dependent upon his earnings for support at the time of the injury, the weekly compensation to be paid as aforesaid, shall equal the same proportion of the weekly payments for the benefit of persons wholly dependent as the extent of partial dependency bears to total dependency. When weekly payments have been made to an injured employee before his death the compensation to dependents shall begin from the date of the last of such payments but shall not continue more than three hundred weeks from the date of the injury. If the employee does not leave dependents, citizens of and residing at the time of the accident in the United States or Dominion of Canada, the amount of compensation shall not in any case exceed one thousand dollars.

§ 65-68. The total compensation payable under this act shall in no case exceed * *fourteen* thousand * dollars.

CHAPTER 557

An Act to amend and reenact § 38.1-291 of the Code of Virginia, relating to certain exemptions from the requirements of §§ 38.1-282 to 38.1-289.

[H 594]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-291 of the Code of Virginia be amended and reenacted as follows:

§ 38.1-291. The provisions of §§ 38.1-282 to 38.1-289 of this article, with respect to insurance companies and their agents, representatives and employees, do not apply to:

(1) Reinsurance contracts between insurance companies;

(2) Life insurance, annuities, accident and sickness insurance other than group accident and sickness insurance, title insurance, and ocean marine insurance;

(3) Insurance of subjects located, resident, or to be performed wholly outside of this State, including insurance of vehicles or aircraft principally garaged outside of this State;

(4) Insurance of the rolling stock and operating properties of railroads or of any liability or other risks incidental to the ownership, main-

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tenance or operation thereof, but not exempting office buildings and warehouses which are rated and insured specifically; *

(5) Mutual assessment fire insurance companies * ; *or*

(6) Bid bonds by surety companies in connection with any public or private contract.

CHAPTER 558

An Act to amend and reenact § 38.1-108, as amended, of the Code of Virginia, relating to deposits or surety in lieu thereof required of insurance companies.

[H 598]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 38.1-108, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 38.1-108. Except as otherwise provided in this title, before the Commission shall issue a license to transact business in this State to any domestic, foreign or alien insurance company, such company shall deposit with the State Treasurer securities that are legal investments under the laws of this Commonwealth for public sinking funds that are not in default as to principal or interest and are of the current market value of not less than ten thousand dollars nor more than fifty thousand dollars. In lieu of such deposit of securities, an insurance company may enter into a bond with surety, approved by the Commission, in the penalty of not less than ten thousand dollars nor more than fifty thousand dollars with such conditions as the Commission may require; provided that such surety shall be an insurance company duly licensed in this State to transact the business of suretyship and shall not either directly or indirectly be under the same ownership or management as the principal on such bond. The Commission shall prescribe the amount of the securities or the penalty of the surety bond to be deposited initially by each company and, at its discretion and within the limits specified herein, may subsequently require an increase or authorize a decrease in the amount of such deposit or in the penalty of the bond.

Neither the deposit referred to herein nor the alternate deposit permitted by § 38.1-113 shall be required of (1) any * mutual assessment fire insurance company, (2) any fraternal benefit society, or (3) any insurance company transacting exclusively an ocean marine business in this State.

CHAPTER 559

An Act to amend and reenact § 51-131 of the Code of Virginia, relating to transfer of credits and contributions to State Police Retirement System.

[H 602]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 51-131 of the Code of Virginia be amended and reenacted as follows:

§ 51-131. (a) If any State police officer is a member of the retire-

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ment system provided for by the Virginia Retirement Act, his prior service credits and accumulated contributions under that retirement system shall be transferred to his credit under the system provided for by this chapter.

(b) Any State police officer who elected not to be included in membership of the Virginia Retirement System, upon becoming a member of the system provided for under this chapter as of July one, nineteen hundred fifty, shall be credited with his period of regular employment as a State police officer prior to July one, nineteen hundred forty-two, but not for the period between that date and July one, nineteen hundred fifty; *provided, that any such officer who rejected membership in the Virginia Retirement System may be credited with his period of employment as such officer between July one, nineteen hundred forty-two and July one, nineteen hundred fifty upon payment of the contributions which he would have paid had he been a member of the System during such period, plus 2% interest thereon compounded annually from the end of each respective fiscal year to which the contribution applies to the first day of the month during which payment is made.*

(c) The term "State police officer", as used in this section, shall include service as an inspector of the Division of Motor Vehicles prior to July one, nineteen hundred thirty-two.

CHAPTER 560

An Act to amend and reenact § 1, as amended, of Chapter 202 of the Acts of Assembly of 1950, approved March 14, 1950, relating to the season in which squirrels may be lawfully hunted in certain counties.

[H 606]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 1, as amended, of Chapter 202 of the Acts of Assembly of 1950, approved March 14, 1950, be amended and reenacted as follows:

§ 1. It shall be lawful to hunt, capture, take and kill squirrels in the * counties of * Giles, *Carroll, Floyd, Patrick, Henry and Franklin* during the period beginning September fifteen of each year and extending through October * *fourteen* and then beginning on the third Monday in November and extending through January one following; *in the county of Grayson during the period beginning September fifteen of each year and extending through September thirty, and then beginning on the third Monday in November and extending through January one following.* * The right of certain persons to hunt squirrels on their own lands shall not be affected hereby.

CHAPTER 561

An Act to amend and reenact §§ 2-b, 3, 4 and 10, as amended, of Chapter 161 of the Acts of Assembly of 1926, approved March 17, 1926, relating to sanitary districts in certain counties, and validating proceedings had in the creation of such sanitary districts and in connection with bond issues thereof, the sections relating to the enlargement and merger of sanitary districts, certain powers of sanitary districts and to certain bond issues.

[H 611]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That sections 2-b, 3, 4 and 10, as amended, of Chapter 161 of the Acts of Assembly of 1926, approved March 17, 1926, be amended and reenacted as follows:

§ 2-b. The circuit court, or the judge thereof in vacation, upon the petition of *not less than* fifty qualified voters residing within the boundaries of each sanitary district affected, *provided, however, that if any of such districts contain less than one hundred qualified resident voters, such petition, as to such districts, shall be sufficient if signed by not less than fifty per centum of the qualified voters residing within the boundaries of each of such districts,* may make an order merging into one sanitary district any two or more sanitary districts *of whatsoever kind heretofore or hereafter created* in the same county * *pursuant to any of the provisions of this act, as amended, or pursuant to any other general or special law,* which order shall prescribe the metes and bounds and the name or other designation of the new district so created.

Upon the filing of said petition a hearing shall be had as provided in § 2 hereof, and the notice of such hearing may require all interested persons to appear and show cause (1) why any special tax or taxes levied or to be levied for sanitary district purposes in any one or more of the districts affected may not be likewise levied and collected in the new district when created;

(2) Why a special tax or taxes may not be levied in such newly created district which shall be in lieu of any special tax or taxes levied for sanitary district purposes in any one or more of the districts affected, and a sufficient part of the revenue so obtained applied to pay the interest and to create a sinking fund to retire at maturity any outstanding bonds theretofore issued by any such district or districts; and

(3) Why the net operating revenue derived in any one or more of the said districts from the operation of any system or systems established under the provisions of section three of this act may not be set apart to pay the interest on and retire at maturity the principal of any bonds theretofore issued in connection with any such system or systems established in any of the said sanitary districts. Such order shall expressly preserve and protect the rights of holders of any such outstanding bonds, and nothing herein shall be construed to limit or affect the rights and interest of any such bondholders.

§ 3. After the entry of such order creating a sanitary district of such county, the board of supervisors or other governing body hereinafter referred to as "board of supervisors" thereof shall have the following powers and duties, subject to the conditions and limitations hereinafter prescribed.

(a) To construct, reconstruct, maintain, alter, improve, add to and operate motor vehicle parking lots, water supply, drainage, sewerage, garbage disposal, heat, light, power, gas, sidewalk, curbs, gutters, streets and street name signs and fire fighting systems, for the use and benefit of the public in such sanitary district and as to such motor vehicle parking lots systems to make such charges for the use of such facilities as may be prescribed by said board or body.

(a-1) To acquire, maintain and operate, within such sanitary district, such community buildings and other recreational facilities as the board may deem expedient or advisable, and to make such charges for the use of such facilities as may be prescribed by the board.

(b) To acquire by gift, condemnation, purchase, lease or otherwise, and to maintain and operate any such motor vehicle parking lots, water supply, drainage, sewerage, garbage disposal, heat, light and power and gas, sidewalk, curbs, gutters, streets and street name signs and fire fighting systems in such district.

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(c) To contract with any person, firm, corporation, municipality, county, authority or the Federal government or any agency thereof to acquire, construct, reconstruct, maintain, alter, improve, add to and operate any such motor vehicle parking lots, water supply, drainage, sewerage, garbage removal and disposal, heat, light, power, gas, sidewalk, curbs, gutters, streets and street name signs and fire fighting systems in such district, and to accept the funds of, or to reimburse from any available source, such person, firm, corporation, municipality, county, authority or the Federal government or any agency thereof for either the whole or any part of the costs, expenses and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, addition to and operation of any such system or systems.

(d) To require owners or tenants of any property in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. In order to require owners or tenants of any property in the district to connect with any such system or systems, the board of supervisors shall have power and authority to adopt ordinances so requiring owners or tenants to connect with such systems, and to use the same, and the board of supervisors shall have power to provide for a punishment in the ordinance of not exceeding a fifty dollar fine for each failure and refusal to so connect with such systems, or to use the same. Before adopting any such ordinance the board of supervisors shall give public notice of the intention to propose the same for passage by posting hand bill notices of such proposal in three or more public places in the sanitary district at least ten days prior to the time the ordinance shall be proposed for passage. The ordinance shall not become effective after its passage until ten days like notice has been given by posting copies of such ordinance in three or more public places in the district. Violations of such ordinances shall be tried before the county court of the county as is provided for trial of misdemeanors, and with like right of appeal.

(e) To fix and prescribe the rates, * *rents, fees and other charges of whatsoever nature to provide funds for the acquisition, construction, operation, maintenance, improvement, betterment and extension of any system or systems or any project or facility described in paragraphs (a) and (a-1) of this section and for the payment of the principal of and interest on any bonds which may be issued to provide funds for the acquisition, construction, improvement, betterment and extension of any such system, project or facility and to provide for the collection of such rates, rents, fees and other charges.* To enable the board *of supervisors* to enforce the collection of *such rates, rents, fees and other* charges for the use of any such system, *project or facility* against the person or persons, firm or corporation using the same, the *rates, rents, fees and other* charges when made for the use * *thereof* shall be collectible by distress, levy, garnishment, attachment or otherwise without recourse to court procedure, except so far as the selected procedure may require the same. And the board *of supervisors* shall have power to designate as its agent for the purpose of collection such officer or officers, person or persons as it may determine, and the officer or officers, person or persons shall be vested with the same power and authority as a sheriff or constable may have in like procedure.

Any unpaid charge shall become a lien superior to the interest of any owner, lessee or tenant, and next in succession to county taxes, on the real property on which the use of any such system was made and for which the charge was imposed; provided, however, such lien shall not bind or affect a subsequent bona fide purchaser of such real estate for valuable consideration without actual notice of such lien, except and until from the time that the amount of such charge is entered in the Judgment Lien Docket kept in the office where deeds may be recorded in the political

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subdivision wherein the real estate or a part thereof is located. It shall be the duty of the clerk in whose office deeds may be recorded to keep and preserve and hold available for public inspection such Judgment Lien Docket and to cause entries to be made and indexed therein from time to time upon certification by the board for which he shall be entitled to a fee of fifty cents per entry to be paid by the board and added to the amount of the lien.

Such lien on any real estate may be discharged by the payment to the board of the total amount of such lien, and interest at the rate of six per centum per annum from the date such charge was due and payable which may accrue to the date of such payment, and the entry fee of fifty cents, and it shall be the duty of the board to deliver a certificate thereof to the person paying the same, and upon presentation thereof and the payment of the further fee of twenty-five cents by such person, the clerk having the record of such lien shall mark the entry of such lien satisfied.

Jurisdiction to enforce any such lien shall be in equity and the court may decree the real estate subject to the lien, or any part thereof, to be sold and the proceeds applied to the payment of such lien and the interest which may accrue to the date of such payment.

Nothing contained herein shall be construed to prejudice the right of the board to recover the amount of such lien, or of the charge, and the interest which may accrue, by action at law or otherwise.

In providing for the collection of charges the board may direct that such charges be included on the annual tax bill for the real property to which service is rendered, and when so included such charges shall be subject to the same provisions for collection as apply in the case of the collection of real property taxes. The board, in its discretion, shall establish the procedures and methods of assessment of such charges, determine the amount of such charges and the period or periods for which such charges shall be applicable, and shall otherwise arrange for the inclusion of such charges on the annual tax bill.

(f) To employ and fix the compensation of any technical, clerical, or other force and help which from time to time, in their judgment, may be deemed necessary for the construction, operation or maintenance of any such system or systems.

(g) To negotiate and contract with any person, firm, corporation, county, authority or municipality with regard to the connection of any system or systems with any other system or systems now in operation or hereafter to be established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the sanitary district.

(h) To contract for the extension of any such system into territory outside of the district, and for the use thereof, upon such terms and conditions as the board may from time to time determine upon.

(i) With respect to the maintenance and operation of said motor vehicle parking lots system, the board is authorized to purchase, install, maintain and operate, and to fix and charge parking meter fees for the use of, such parking lot or lots.

§ 4. * *The board of supervisors in any such county in which a sanitary district of whatsoever kind has been or may hereafter be created pursuant to any of the provisions of this act, as amended, or pursuant to any other general or special law, shall have power to issue the bonds of any such sanitary district, in the manner hereinafter prescribed, to provide funds for the purpose of acquiring, constructing, improving, bettering or extending any system or systems, project or projects, or facility or facilities authorized by this act to an amount in the aggregate of not exceeding eighteen per centum of the assessed value of all real estate in such sanitary district, subject to local taxation, provided, however, that*

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such limitation of eighteen per centum shall not apply if the petition required by § 5 of this act states the maximum amount of bonds to be issued and that such bonds are to be issued for a specified undertaking from which the sanitary district may derive revenue, but from and after a period to be determined by the board of supervisors, not exceeding five years from the date of the election authorized in § 6 of this act, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor) and the cost of insurance against loss by injury to persons or property, and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of such undertaking, all such bonds outstanding shall be included in determining such limitation.

§ 10. The board of supervisors shall determine what amount of bonds *so authorized* shall be issued * *from time to time,* but the maximum amount of bonds issued shall in no case exceed the maximum amount prescribed in § 4 of this act as amended, and in *the* event * the board *of supervisors* for any reason fails or refuses to issue the bonds so authorized, * the circuit court of the county may, upon the complaint of ten qualified voters of * *the* district and after ten days' notice to the chairman of the board *of supervisors,* for cause shown, issue an order directing * *such board* to issue the said bonds or any unissued residue thereof, or such portion thereof as the court may, from time to time, deem proper to be issued in order to carry out the wishes of the voters expressed in said election. * *The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per centum per annum, shall mature at such time or times not exceeding thirty-four years from their date or dates, as may be determined by the board of supervisors, and may be made redeemable before maturity at the option of the board of supervisors at such price or prices and under such terms and conditions as may be fixed by the board of supervisors and stipulated upon the face of the bonds when issued. The board of supervisors shall determine the form and manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest within or without the State of Virginia. Any such bonds shall be signed by the chairman and countersigned by the clerk of the board of supervisors under its seal, provided, however, that the board of supervisors in the resolution authorizing such bonds may provide that any coupons appurtenant to such bonds may be authenticated by the facsimile signatures of either one or both of such officers and may also provide that the bonds be executed with the facsimile signature of either one of such officers and the manual signature of the other one of such officers, and may also provide that a facsimile of such seal be imprinted on the bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery, and any bond may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such bond shall be the proper officers to sign such bond, although at the date of such bond such persons may not have been such officers. Such bonds may be issued in coupon or in registered form or both, as the board of supervisors may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest and for the interchange of coupon and registered bonds. The board of supervisors may sell any such bonds in such a manner,*

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either at public or private sale, and for such price as it may determine to be for the best interests of the district, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on the redemption of any bonds prior to maturity. The board of supervisors shall deliver the bonds to the treasurer of the county, who shall deliver them to the purchaser thereof, upon payment of the purchase price therefor. All proceeds received from the sale of the bonds shall be promptly deposited by the treasurer to the credit of the district, and the treasurer shall account for all such proceeds through a fund, separate from all other funds, in the system of accounting of the county. Any funds not necessary for the purpose or purposes for which the bonds were issued shall be paid into the sinking fund to redeem the principal thereof at maturity. The treasurer and his sureties shall be liable for the amount received for said bonds as though it were a county levy and shall receive the reasonable cost to him of giving surety on such additional bond or bonds as may be required of him, if any, on account of his receipt of the proceeds of any of such bonds. The proceeds of the bonds shall be deposited, paid out and dispensed as provided in Article 2 of Chapter 20 of Title 58 of the Code of Virginia. All interest that shall accrue from such funds shall be accounted for by the treasurer and be expended for the purpose or purposes for which the bonds were issued, and in so far as not necessary therefor, shall be used for the payment of the interest on the bonds, or shall be paid into the sinking fund to redeem the principal thereof at maturity.

2. All proceedings heretofore taken in the creation of sanitary districts of whatsoever kind pursuant to any of the provisions of Chapter 161 of the Acts of Assembly of 1926 as amended are hereby validated, ratified, approved and confirmed, and all such districts so created or attempted to be created are hereby declared to have been validly created and established, notwithstanding any defects or irregularities in the creation thereof. All proceedings heretofore taken and all elections heretofore held in all such sanitary districts of whatsoever kind pursuant to said Chapter 161 to provide for, and with respect to the contracting of bonded indebtedness and the authorization, issuance, sale, execution and delivery of bonds by or on behalf of all such sanitary districts, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power of the board of supervisors of the county in which any such district is located to authorize and issue such bonds, or to authorize the execution, sale or delivery thereof, and notwithstanding any defects or irregularities in any such proceedings or elections, or in such execution, sale or delivery; all such bonds so issued or to be issued are and shall be binding, legal, valid and enforceable obligations of any such sanitary districts.

3. It is the intention of the General Assembly that this act shall be liberally construed to effectuate the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

4. An emergency exists and this act is in force from its passage.

CHAPTER 562

An Act to validate all proceedings in the creation of all sanitary districts

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in the State of Virginia, and all proceedings in connection with bond issues of such sanitary districts.

[H 612]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. All proceedings heretofore taken in the creation of sanitary districts of whatsoever kind in the State of Virginia, whether under general law or special act, are hereby validated, ratified, approved and confirmed, and all such districts so created or attempted to be created thereunder are hereby declared to have been validly created and established, notwithstanding any defects or irregularities in the creation thereof.

§ 2. All proceedings heretofore taken and all elections heretofore held in sanitary districts of whatsoever kind in the State of Virginia, whether under general law or special act, to provide for, and with respect to, the contracting of bonded indebtedness and the authorization, issuance, sale, execution and delivery of bonds by on or behalf of all such sanitary districts, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power of the governing body of the county in which any such district is located to authorize and issue such bonds, or to authorize the execution, sale or delivery thereof, and notwithstanding any defects or irregularities in any such proceedings or elections, or in such execution, sale or delivery; and such bonds so issued or to be issued are and shall be binding, legal, valid and enforceable obligations of any such sanitary districts.

§ 3. It is the intention of the General Assembly that this act shall be liberally construed to effectuate the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

2. An emergency exists and this act is in force from its passage.

CHAPTER 563

An Act to amend and reenact § 15-666.29 of the Code of Virginia, relating to initial resolution for bond issues by counties.

[H 615]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-666.29 of the Code of Virginia be amended and reenacted as follows:

§ 15-666.29. Whenever the governing body of any county shall determine that it is advisable to contract a debt and issue general obligation bonds of the county to finance any project, it shall adopt a resolution (herein sometimes called the "initial resolution") setting forth

(a) In brief and general terms the purpose or purposes for which the bonds are to be issued, and

(b) The maximum amount of such bonds and, if bonds are to be issued for more than one purpose, the maximum amount for each purpose; provided, however, that with respect to bonds for school purposes a statement of the maximum amount of each separate purpose is not required, *and provided further that with respect to bonds for the purchase of land for diversified public purposes, a statement of the maximum amount of each separate purpose is not required.* Such resolution shall request the

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circuit court, or any judge thereof, to order an election upon the question of contracting the debt and issuing the proposed bonds.

Prior to the adoption under the provisions of this section of a resolution by the governing body of any county requesting the ordering of an election upon the question of contracting a debt and issuing bonds for school purposes, the county board of education or school board of such county shall first request, by resolution, such governing body to take such action.

2. An emergency exists and this act is in force from its passage.

CHAPTER 564

An Act to permit fiscal agents for any counties to destroy bonds and bond coupons when payment in full has been made thereon; to require that such facts be certified to the treasurer or director of finance of the county obligated upon such bonds and bond coupons; to prescribe the form for such certifications; to provide that county treasurers and directors of finance be relieved of certain liabilities upon such certification; and to prescribe the effect of such certification for accounting purposes.

[H 616]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Whenever the fiscal agent for any county shall have made payment in full for any bond or bond coupon representing an obligation of such county, such fiscal agent may, by agreement with the governing body of the county, forthwith destroy such bond or bond coupon and shall certify the facts of such payment and destruction to the treasurer or director of finance, as the case may be, of such county.

§ 2. The certification required by this section shall set forth the issue, series, number and maturity date of each such bond or bond coupon, together with such additional facts necessary to specifically identify each such bond or bond coupon so paid and destroyed.

§ 3. Every such certification shall be in such form as shall be prescribed by the Auditor of Public Accounts and shall be acknowledged in the manner prescribed by law for the acknowledgment of deeds.

§ 4. Whenever any such certification, appearing upon its face to have been executed and acknowledged as hereinabove prescribed, shall have been delivered to the treasurer or director of finance of any county by such fiscal agent, then such treasurer or director of finance shall, in the absence of actual knowledge of any misrepresentation or irregularity as to such certification, be relieved of all further liability for all such bonds and bond coupons therein represented to have been paid and destroyed. For accounting purposes, every such certification which appears upon its face to have complied with the requirements of this act shall constitute sufficient evidence of the facts set forth therein.

CHAPTER 565

An Act to amend the Code of Virginia by adding a section numbered 55-58.1, defining "security trusts"; requiring trustees thereof to be residents, if individuals, and to have their principal offices in this State, if corporations; prescribing certain requirements for the recor-

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dation or docketing of security trusts; and providing for certain exceptions.

[H 618]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 55-58.1 as follows:

§ 55-58.1. (1) For the purposes of this article, the term "security trust" shall include a deed of trust, mortgage, bond or other instrument, entered into after the effective date of this article under which the title to real and personal property, or either of them, wholly situate in and including no property situate outside of the State of Virginia, is conveyed, transferred, encumbered or pledged to secure the payment of money or the performance of an obligation; provided, however, that the provisions of this article shall not apply to supplements to existing security trust instruments now of record executed pursuant to the provisions of said existing security trust instruments, nor shall the article apply to security trusts applying to property singly or jointly owned and situate partly in this State and partly outside this State or to property situate in this State which, together with property situate outside this State, is the security for the performance of an obligation.

(2) No person not a resident of this State may be named or act, in person or by agent or attorney, as the trustee of a security trust, either individually or as one of several trustees, the other or others of which are residents of this State. No corporation may be named or act as the trustee or as one of the trustees of a security trust unless it is chartered under the laws of this State or of the United States of America, and unless its principal office is within this State.

(3) No clerk shall hereafter admit any security trust for recordation or filing which does not state the residence address of the trustee or trustees named therein; provided, however, that the county, city or town in this State in which the said trustee resides shall be sufficient statement of the residence address thereof; notwithstanding any other provisions of this section, if any security trust is admitted by a clerk for recordation or filing it shall be conclusively presumed that such security trust complies with all the requirements of this section.

CHAPTER 566

An Act to amend and reenact §§ 29-53 and 29-54, and 29-55 as amended of the Code of Virginia, relating to licenses to hunt and fish.

[H 619]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 29-53 and 29-54, and 29-55 as amended of the Code of Virginia, be amended and reenacted as follows:

§ 29-53. The license fee to hunt and to fish in the county *or city* of residence only, within the regulations and restrictions provided by law, in the county *or city* named on the face of the license, shall be * *two* dollars*; provided that no such license to fish shall be required of persons who are residents of the county or city and are seventy years of age or older.*

§ 29-54. The license fees to hunt only shall be as follows:

*

* (*1*) State resident season license to hunt only, within the regula-

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tions and restrictions provided by law, in any and all counties of the State, three dollars and fifty cents.

* (*2*) State nonresident license to hunt only, within the regulations and restrictions provided by law, in any and all counties of the State, fifteen dollars seventy-five cents.

§ 29-55. (a) The license fees to fish only, which licenses shall not permit fishing for trout *in waters stocked by the Commission or other public body,* shall be as follows:

*

* (*1*) State resident season license to fish only, within the regulations and restrictions provided by law, in any and all counties of the State, three dollars *and fifty cents; provided that no such license shall be required of resident persons seventy years of age or older.*

* (*2*) State nonresident season license to fish only, by any method, within the regulations and restrictions provided by law, in all inland waters of the State, ten dollars.

*

(b) The license fees to fish for trout in waters stocked with trout by the Commission, *or other public body,* by any method, within the regulations and restrictions provided by law, in addition to the regular fishing license, shall be as follows:

(1) State resident season license to fish for trout in any and all counties of the State, one dollar*; provided that no such license shall be required of resident persons seventy years of age or older.*

(2) State nonresident season license to fish for trout in any and all counties of the State, five dollars.

CHAPTER 567

An Act to amend and reenact § 15-923, as amended, of the Code of Virginia, relating to master plans adopted by county planning commissions.

[H 620]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-923, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-923. Whenever the governing body of any county shall have adopted a master plan of the county or any part thereof, then and thenceforth no road, park or other public way, public ground or public space, no public building or structure and no public utility, whether publicly or privately owned, shall be constructed or authorized in the unincorporated territory of the county or region until and unless the proposed location and extent thereof shall have been submitted to and approved by such county planning commission. *But in case of disapproval, the commission shall communicate its reasons for disapproval to the board of supervisors of the county in which the public way, public ground, public space, public building, public structure or public utility is proposed to be located; and such board shall have the power to overrule such disapproval and upon such overruling such board or other official in charge of the proposed construction or authorization may proceed therewith. The failure of the commission to act within thirty days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting board, body or official.*

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CHAPTER 568

An Act to amend and reenact § 29-122, as amended, of the Code of Virginia, relating to special license for hunting bear, deer and turkey.

[H 621]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-122, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-122. There shall be a special license for hunting bear, deer and turkey in this State, which shall be in addition to regular season license required to hunt other game. The fee for such special license shall be one dollar for a resident and * *five dollars* for a nonresident. *

The license to hunt bear, deer and turkey may be obtained from the clerk or agent of any county or city whose duty it is to sell hunting licenses.

CHAPTER 569

An Act to amend and reenact §§ 8-157 and 8-158 of the Code of Virginia, relating to removal of certain pending suits, motions, or other proceedings to certain other courts.

[H 680]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 8-157 and 8-158 of the Code of Virginia be amended and reenacted as follows:

§ 8-157. *(a)* A circuit, corporation or city court wherein a suit, motion, or other civil proceeding is pending, or the judge thereof in vacation, may, on motion by any party, after twenty days' notice to the adverse party or his attorney, and for good cause shown, order any suit, motion, or other civil proceeding pending therein, to be removed to any other court having jurisdiction of the subject matter.

(b) A circuit court wherein a suit, motion, or other civil proceeding is pending, or the judge thereof in vacation, may, on motion by, or with the consent of, all parties thereto, order any suit, motion or other civil proceeding pending therein to be removed to any other court of record within the same judicial circuit, such removal to be subject to approval of the court to which the removal is sought.

§ 8-158. If the judge of any circuit, city, or corporation court in which a suit, motion, or other civil proceeding is pending, is so situated as to render it improper in his opinion for him to decide such case or preside at the trial thereof, such court or the judge thereof in vacation, may, without motion or notice, order the case to be removed to any court to which it might be removed, on motion and notice, under *subsection (a) of* the preceding section.

2. An emergency exists and this act is in force from its passage.

CHAPTER 570

An Act to amend and reenact § 46.1-225 of the Code of Virginia, relating

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to duty of motorists to yield right of way to certain emergency vehicles.

[H 681]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-225 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-225. Upon the approach of any police vehicle, fire department vehicle, *vehicle owned or operated by a member of a volunteer fire company,* rescue vehicle or ambulance, giving audible signal by siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer, until the police or fire department vehicle *or vehicle owned or operated by a member of a volunteer fire company, rescue vehicle or ambulance* shall have passed. This provision shall not operate to relieve the driver of a police or fire department vehicle, *or vehicle owned or operated by a member of a volunteer fire company, rescue vehicle or ambulance* from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right of way.

As used in this chapter, the term "rescue vehicle" is defined as any vehicle designed or utilized for the principal purposes of supplying resuscitation or other emergency relief where human life is endangered.

CHAPTER 571

An Act to amend and reenact § 43-34 of the Code of Virginia, relating to enforcement of certain liens.

[H 683]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 43-34 of the Code of Virginia be amended and reenacted as follows:

§ 43-34. Any person having a lien under the three preceding sections and any bailee, except where otherwise provided, having a lien as such at common law on personal property in his possession which he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists be not paid within ten days after it is due and the value of the property affected by the lien does not exceed * *three hundred* dollars, may sell such property or so much thereof as may be necessary, by public auction, for cash, and apply the proceeds to the satisfaction of the debt and expenses of sale, and the surplus, if any, he shall pay to the owner of the property. Before making such sale, he shall advertise the time, place, and terms thereof, in such manner as to give publicity thereto, and also give to the owner, if he be in the county or corporation, ten days' written notice of the same and of the amount claimed to be due. If the owner cannot be found in such county or corporation, posting the notice at three public places therein shall be sufficient service thereof. *If such property be a motor vehicle required by the motor vehicle laws of Virginia to be registered, the person having such lien shall ascertain from the Commissioner of the Division of Motor Vehicles if the certificate of title*

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of such motor vehicle shows a lien thereon. If the certificate of title shows a lien thereon, the bailee proposing the sale of such motor vehicle shall notify the lien holder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale ten days prior thereto. If the value of the property be more than * *three hundred* dollars but does not exceed * *two thousand* dollars, the party having such lien, after giving notice as hereinbefore provided, may apply by petition to any trial justice of the county or corporation wherein the property is, or, if the value of the property exceed * *two thousand* dollars, to the circuit or corporation court of such county or corporation, for the sale of the property; and if, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court or trial justice shall be satisfied that the debt and lien are established and the property should be sold to pay the debt, such court or * *court not of record having civil jurisdiction* shall order the sale to be made by the sheriff or sergeant of the county or corporation, who shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of fieri facias. If the owner of the property be a resident of this State, the notice required by this section may be served in the mode prescribed by § 8-51. If he be a nonresident, it may be served by posting a copy thereof in three public places in the county or corporation wherein the property is.

CHAPTER 572

An Act to amend and reenact § 8-182, as amended, of the Code of Virginia, relating to lists of jurors.

[H 686]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-182, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 8-182. The commissioners shall, as soon as may be after their appointment, prepare lists of such of the inhabitants of their respective counties or cities as are well qualified to serve as jurors and are not excluded or exempt by §§ 8-174, 8-175 and 8-178. The whole number of persons selected in any county or city shall not be less than one hundred nor more than three hundred, except that:

(1) For the cities of Newport News and Norfolk the number shall not exceed one thousand for each court,

(1a) For the Hustings Court of the city of Richmond, * the Chancery Court of the city of Richmond, and the Circuit Court of the city of Richmond, the number shall not exceed one thousand; *for the Hustings Court of the city of Richmond, Part II, the number shall not be less than two thousand nor more than five thousand; and* for the Law and Equity Court of the city of Richmond, the number shall not * *be less than four thousand nor more than ten* thousand,

(2) For the Hustings Court of the city of Roanoke, the Circuit Court of the city of Portsmouth, for the Court of Hustings for the city of Portsmouth and for all courts of the city of Alexandria the number shall not exceed six hundred each,

(3) In the city of Lynchburg the number for the circuit court shall not exceed five hundred and the number for the corporation court shall not exceed one thousand,

(4) For each of the cities of Danville and Petersburg, and the coun-

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ties of Pittsylvania, Henry and Princess Anne, the number shall not exceed five hundred, and

(5) For any county having a population in excess of eighty-five thousand inhabitants according to the last preceding United States census, the number shall not exceed seven hundred fifty.

The same percentage of population shall be taken from each magisterial district or ward. The inhabitants of a city, however, which is situated in whole or in part within the bounds of a county shall not be placed on the lists for such county, except in those cases in which the circuit court of the county and the corporation court of the city have concurrent jurisdiction of both civil and criminal cases arising within the territorial limits of such county or city and in such cases the city shall be considered as a magisterial district, or the equivalent of a magisterial district, of the county for the purpose of the jury list.

In any county having a density of population in excess of two thousand per square mile, the commissioners shall not include on the jury lists hereinabove provided for the name of any person who has been called for jury duty at any time during the period of one year next preceding.

The commissioners shall advise in writing each woman whose name has been selected to be placed upon the jury list of the fact that her name has been selected for such purpose and that her name will be placed upon such list unless she notifies the commissioners in writing within fifteen days of the date of the notice sent by the commissioners that she does not desire her name to be placed upon such list. The commissioners shall not include on the jury lists hereinabove mentioned the name of any woman who notifies the commissioners in writing within such fifteen day period that she does not desire her name to be placed upon the jury list. No reply in writing to the notice sent by the commissioners under this paragraph in which a woman indicates her willingness to accept jury service shall render her ineligible to serve on any jury under the provisions of § 8-176.

CHAPTER 573

An Act to amend and reenact § 58-1010 of the Code of Virginia, relating to collection of taxes from funds held by third party.

[H 688]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 58-1010 of the Code of Virginia be amended and reenacted as follows:

§ 58-1010. Any person indebted to or having in his hands estate of a person assessed with taxes or levies may be applied to in writing by the officer for payment thereof out of such debt or estate and a payment by such person of such taxes or levies, either in whole or in part, shall entitle him to a charge or credit for so much on account of such debt or estate against the party so assessed. From the time of the service by such officer of any such application, the taxes and levies shall constitute a lien on the debt so due from such person or on the estate in his hands. If the person applied to * *does* not pay so much as may seem to the officer ought to be recovered on account of the debt or estate in his hands, the officer shall, if the sum due for such taxes or levies does not exceed two * *thousand* dollars, *exclusive of penalties and interest,* procure from a justice of the peace *or judge or clerk of a court not of record* a summons directing such person to appear before the appropriate * *county court or municipal court,* at such time and place as may seem reasonable; and if the sum due exceeds

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two * *thousand* dollars, shall procure from the clerk of the circuit court of the county or corporation court of the city a summons directing such person to appear before such court on the first day of the next term thereof; *provided that in all cases returnable before a county court or municipal court, any person so summoned shall have a right, if the sum due for such taxes or levies exceeds the sum of three hundred dollars, exclusive of penalties and interest, to remove the case to a court having jurisdiction of appeals from such county court or municipal court wherein the case was brought, and the procedure for and upon such removal shall be the same, mutatis mutandis, as is provided by § 16.1-92.*

CHAPTER 574

An Act to amend and reenact § 56-281 of the Code of Virginia, relating to the issuance of certificates of public convenience and necessity to motor vehicle carriers under certain conditions.

[H 690]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 56-281 of the Code of Virginia be amended and reenacted as follows:

§ 56-281. No certificate shall be granted to an applicant proposing to operate over the route of any holder of a certificate unless and until it shall be proved to the satisfaction of the Commission that the service rendered by such certificate holder, over such route, is inadequate to the requirements of the public necessity and convenience; and if the Commission shall be of opinion that the service rendered by such certificate holder over such route is in any respect inadequate to the requirements of the public necessity and convenience, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to an applicant proposing to operate over such route.

For the purpose of this section, commercial zone operation within the terminal area of a city or town by two or more motor carriers of property shall not be deemed to be operation by them over the same route. Commercial zone operation shall mean picking up property for transportation by the carrier over its certificated route beyond the terminal area or delivering property it has transported over its certificated route from beyond such area. The terminal area of a city or town shall include that area within and adjacent to a city or town served by a carrier pursuant to his certificate embraced within one or more of the following limits: (a) the corporate boundaries of the city or town; (b) all points within two and one-half miles of the post office in such community, if it has a population of less than two thousand five hundred; within four miles of the corporate limits, if the municipality has a population of two thousand five hundred, but less than twenty-five thousand; and within five and one-half miles of the corporate limits if it has a population of twenty-five thousand or more; and (c) all points in any municipality, any part of which is within the limits described in (b) above.

For the purpose of this section, the delivery of merchandise to the residences of customers of retail stores residing within seven and one-half miles of the corporate limits of a city or town by a person operating exclusively a parcel delivery service for delivery of merchandise for retail stores situated within the city or town, shall not be deemed an operation over the route of a holder of a certificate authorizing operation as a

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common carrier of property for the general public for compensation, but such operation of parcel delivery service shall be deemed the operation of a restricted common carrier by motor vehicle subject to the jurisdiction of the State Corporation Commission.

CHAPTER 575

An Act to amend and reenact § 30-19.2 of the Code of Virginia, which provides for inspections of the physical facilities of State agencies and institutions by members and prospective members of the General Assembly.

[H 691]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 30-19.2 of the Code of Virginia be amended and reenacted as follows:

§ 30-19.2. (1) Inspections may be made of the grounds, buildings, and other physical facilities appurtenant to State agencies and State-supported institutions, at the times and by the persons hereinafter set forth.

(2) The Director of the Budget shall arrange for the inspection in each year immediately preceding the regular session of the General Assembly * for the members of the forthcoming General Assembly * between the fifteenth of November and the * *fifteenth* of December in the year of election. Provided, that such inspection trips shall be provided at State expense for each member of the General Assembly only once for each term for which he is elected.

(3) The Director of the Division of the Budget shall provide, from funds appropriated by law, transportation, meals, lodging, and other necessary accommodations for the persons making the inspection for which this section provides. Travel shall be arranged by motor bus or other convenient method of transportation from some central point from which trips to the several State agencies and institutions shall be made. The Director shall notify the persons permitted to make such inspection of the place and time of origin from which such trip shall begin and when it is expected to end. He shall make such arrangements as will be convenient to the persons desiring to make such trip of inspection.

(4) The persons making such trip shall be allowed their reasonable expenses in going to and from their homes to the point of origin of the trips. Mileage at the rate of * *seven* cents per mile each way shall be allowed. No per diem compensation and no other expense or allowance shall be paid.

(5) Nothing contained in this section is intended to restrict in any way the right of any member of the General Assembly to visit at his expense any State institution at any time.

CHAPTER 576

An Act to amend the Code of Virginia by adding a section numbered 14-132.1, authorizing certain cities to waive certain fees chargeable under § 14-132.

[H 693]

Approved March 31, 1960

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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 14-132.1 as follows:

§ 14-132.1. Notwithstanding the provisions of § 14-132, in any city having a population of not less than forty-five thousand nor more than sixty thousand, according to the last preceding United States Census, the governing body thereof may, by resolution duly adopted, waive the provisions of such section, and not charge any fees which go into the city treasury for services performed hereunder, and direct the court and the clerk thereof not to tax such fees as costs.

2. An emergency exists and this act is in force from its passage.

CHAPTER 577

An Act to amend and reenact § 19-121.1, as amended, of the Code of Virginia, relating to special justices in certain counties.

[H 702]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 19-121.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 19-121.1. The judges of the circuit court of any county having a density of population in excess of five thousand per square mile may from time to time appoint as many special justices for such county as they deem necessary or proper to perform the duties and exercise the powers set out herein. The terms of office of all such special justices including those now in office shall expire on March one, nineteen hundred fifty-nine and on March one of each fourth year thereafter. Such appointments shall be revocable at the pleasure of the appointing authority. Such special justices shall qualify in the same manner as is prescribed by law for justices of the peace, and shall be conservators of the peace within the county for which they are appointed. They shall exercise within such county all the power and authority which is conferred upon justices of the peace by general law except the power to issue civil processes. When any court violations bureau shall be duly established in any such county, then such special justices shall also be employees of such county for the purpose of performing the duties and functions of such bureau and shall be subject to all such general administrative regulations governing county employees as may be reasonably applied to such special justices and the judge of the county court of such county shall have the power of the chief administrative officer of such bureau *and shall have general power to suspend any special justice without pay for a period not to exceed twenty days for any breach of rules or procedures, provided, however, that said power of suspension shall not be exercised unless and until an order of the circuit court has been entered delegating to the judge of the county court such general discretionary power of suspension and setting forth therein provision for review by the circuit court of any abuse of such discretion.* The salaries of special justices shall be fixed and paid by the governing body of the county, in which event all fees collected by such justices or to which they shall be entitled shall be paid monthly into the county treasury and used as far as possible to pay such salaries. After the appointment of such special justices for a county, no justice of the peace shall thereafter be elected or appointed for such county.

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CHAPTER 578

An Act to regulate the sale, transfer of possession or possession of explosives; to require reports of thefts of explosives; and to provide penalties.

[H 703]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia as follows:

1. § 1. Whenever used in this act:

"Explosives" means commercial explosives which are classified as of the effective date of this act in the Interstate Commerce Commission's regulations for transportation of explosives and other dangerous articles as Class A, Class B, or Class C explosives, and include but are not limited to dynamite, black blasting powder, pellet powder, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord and igniters.

§ 2. (a) Any person selling any explosives covered by this act shall keep a record of all such explosives sold, showing the kind and quantity sold, the name and address of the purchaser, and the date of each sale. The person selling such explosives shall also require any person purchasing such explosives to sign such record at the time of such purchase.

(b) No person shall sell, deliver, give away, or otherwise dispose of any explosives to any individual under twenty-one years of age, whether such individual is acting for himself, herself, or for any other person.

§ 3. Any person having in his possession any explosives covered by this act shall immediately notify the sheriff of the county or the police officials of the city in which any such explosives are being stored or used in the event that any such explosives are stolen.

§ 4. Nothing contained in this act shall:

(1) Affect any existing ordinance, rule or regulation of any city or municipality in this State that is not less restrictive than this act; or affect, modify or limit the power of such cities or municipalities to make ordinances, rules or regulations not less restrictive than this act, governing the storage, possession, sale and use of explosives within their respective corporate limits.

§ 5. Any person who violates any provision of this act shall be guilty of a misdemeanor and, upon conviction thereof, be punished accordingly.

CHAPTER 579

An Act creating, subject to certain conditions, a political subdivision of the Commonwealth to be known as the Peninsula Civic Recreation Center Authority and defining its powers and duties; granting to the Authority power to acquire necessary real and personal property; providing for financing the construction of such project by the issuance of revenue bonds of the Authority, payable solely from rents, rates and fees and other revenues; authorizing the issuance of revenue refunding bonds; providing that no debt of the Commonwealth or of any county, city, district or political subdivision thereof shall be incurred in the exercise of any of the powers granted by this Act; providing for the collection of rents, rates and fees and other revenues to pay such bonds and the interest thereon and the cost of maintenance, repair and

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operation of such project; exempting from taxes and assessments such project and such bonds and the income therefrom; providing for the execution of a trust agreement to secure the payment of such bonds without mortgaging or encumbering such project; and prescribing the powers and duties of the Authority in connection with the foregoing and the rights and remedies of the holders of bonds issued under the provisions of this Act.

[H 710]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Definitions.—As used in this Act the following words and term shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "Authority" shall mean the Peninsula Civic Recreation Center Authority hereinafter created or, if the Authority shall be abolished, the board, body, commission or agency succeeding to the principal functions thereof or upon whom the powers given by this Act to the Authority shall be conferred by law.

(b) The word "project" shall mean a civic recreation center constructed by the Authority under the provisions of this Act in either the city of Newport News, Hampton, or Williamsburg, or the town of Poquoson, or the county of York or James City, together with all necessary and convenient approaches, roads and streets used in connection with such civic recreation center and such other facilities convenient and necessary to such center.

(c) The term "cost of the project" shall embrace the cost of construction, landscaping and conservation, the cost of acquisition of all land, rights of way, property, rights, easements and interests acquired by the Authority for the construction and operation of the project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any land to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the Authority for a period not exceeding one year after completion of construction, cost of administrative expenses, and such other expenses as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation.

(d) The word "bonds" or the words "revenue bonds" shall mean revenue bonds or revenue refunding bonds of the Authority issued under the provisions of this Act.

(e) The word "owner" shall include all individuals, copartnerships, associations or corporations and also municipalities, political subdivisions and all public agencies and instrumentalities having any title or interest in any property, rights, easements and interests authorized to be acquired by this Act.

§ 2. Credit of Commonwealth and Political Subdivisions Not Pledged. —Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the Commonwealth of Virginia or of any county, city, district or political subdivision thereof, or a pledge of the faith and credit of the Commonwealth or of any county, city, district or political subdivision thereof, but such bonds shall be payable solely from the funds herein provided therefor from tolls and revenues. The issuance of revenue bonds under the provisions of this Act shall not directly or indirectly or contingently obligate the Commonwealth or any county, city or district therein or any political subdivision thereof to levy or to pledge

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any form of taxation whatever therefor. All such revenue bonds shall contain a statement on their face substantially to the foregoing effect.

All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the provisions of this Act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the provisions of this Act.

§ 3. Peninsula Civic Recreation Center Authority.—There may be created, in the manner hereinafter set forth, a political subdivision of the Commonwealth to be known as the "Peninsula Civic Recreation Center Authority". The exercise by the Authority of the powers conferred by this Act in the construction, operation and maintenance of the project authorized by this Act shall be deemed and held to be the performance of an essential governmental function.

The Authority may be created by ordinance duly adopted by the council of the city of Newport News, or together with the councils of the cities of Hampton and Williamsburg or town of Poquoson, or the boards of supervisors of the counties of York and James City, or either of them, if such councils or boards elect to join with the council of the city of Newport News in the creation of such Authority.

The Authority shall consist of not less than three nor more than seven members, all of whom shall be appointed by the governing bodies of such political subdivisions as form the Authority or as otherwise provided herein. Each such subdivision shall be entitled to name one member of the Authority. If an uneven number results, the members named by the governing bodies may name a member at large. If the city of Newport News alone creates the Authority, its council may name all the members. The term of each member shall be for four years and to continue until his successor shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of four years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the Authority shall be eligible for reappointment. Members of the Authority shall be subject to removal from office in like manner as are State, county, town and district officers under the provisions of §§ 15-500 to 15-503, inclusive, of the Code of Virginia, 1950. The Authority shall annually elect one of its members as chairman and another as vice chairman and shall also elect annually a secretary-treasurer, who may or may not be a member of the Authority.

The secretary-treasurer shall keep a record of the proceedings of the Authority and shall be custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates.

Three members of the Authority shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

Before the issuance of any revenue bonds under the provisions of this Act the secretary-treasurer of the Authority shall execute a surety bond in the penal sum of fifty thousand dollars, such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the

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Commonwealth as surety and to be approved by the attorney general and filed in the office of the Secretary of the Commonwealth.

§ 4. General Grant of Powers.—The Authority is hereby authorized and empowered:

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to determine the location of the project, to determine, in its discretion and without reference to any other provisions of any state law, the design standards and the materials of construction, and to construct, maintain, repair and operate the project;

(d) to issue revenue bonds of the Authority for any of its purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Act;

(e) to fix and revise from time to time and charge and collect tolls, rates, fees, rentals and other charges for the use of the project;

(f) to acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this Act;

(g) to employ, in its discretion, consulting architects and engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(h) to construct such auditoriums, arenas and marinas as in the opinion of the Authority may increase the commerce and promote the safety, health, welfare, convenience and prosperity of the people of the Commonwealth;

(i) to sue and be sued in its own name, plead and be impleaded;

(j) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act; and

(k) to do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

§ 5. Acquisition of Property.—(a) The Authority is hereby authorized and empowered to acquire by purchase solely from funds provided under the provisions of this Act, such lands, structures, property, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof.

All public agencies and commissions of the Commonwealth, with the approval of the Governor, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Authority at its request upon such terms and conditions as may be mutually agreed upon, without the necessity for any advertisement, order of court or other action or formality, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public highways and other real property already devoted to public use.

(b) The Authority is authorized and empowered to acquire by gift from any local governing body, or any State or federal agency, or any individual or corporation any lands, property, rights, rights of way, franchises, easements and other property.

(c) Title to any property acquired by the Authority shall be taken in the name of the Authority.

(d) The Commonwealth hereby consents to the use of any lands or property owned by the Commonwealth, including lands lying under water,

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which are deemed by the Authority to be necessary for the construction or operation of the project.

(e) The several political subdivisions authorized to create the Authority are authorized to issue bonds to provide funds for the use of the Authority in the construction of the project and to make appropriations and to provide funds for the operation of the Authority.

§ 6. Revenue Bonds.—The Authority is hereby authorized to provide by resolution for the issuance, at one time or from time to time, of revenue bonds of the Authority for the purpose of paying all or any part of the cost of the project. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any other provision of this Act or any recitals in any bonds issued under the provisions of this Act, all such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell such bonds in such manner, either at public or negotiated sale, and for such price, as it may determine will best effect the purposes of this Act.

The proceeds of the bonds shall be used solely for the payment of the cost of the project, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of

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this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

§ 7. Trust Agreement.—In the discretion of the Authority any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project, the rates of toll to be charged, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the project.

§ 8. Revenues.—The Authority is hereby authorized to fix, revise, charge and collect rents, rates and fees for the use of the project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, and to fix the terms, conditions, rents and rates of charges for such use. Such rents, rates and fees shall be so fixed and adjusted in respect of the aggregate of income from the project as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such project and (b) the principal of and interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such rents, rates and fees shall not be subject to supervision or regulation by any commission, board, bureau or agency of the Commonwealth or of any municipality, county or other political subdivision of the Commonwealth. The income and all other revenues derived from the project, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls and other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any

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physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

§ 9. Trust Funds.—All moneys received pursuant to the provisions of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The Authority shall, in the resolution authorizing the bonds or in the trust agreement securing such bonds, provide for the payment of the proceeds of the sale of the bonds and the revenues to be received to a trustee, which shall be any trust company or bank having the powers of a trust company within or without the Commonwealth, which shall act as trustee of the funds, and hold and apply the same to the purposes of this Act, subject to such regulations as this Act and such resolution or trust agreement may provide. The trustee may invest and reinvest such funds in such securities as may be provided in the resolution authorizing the bonds or in the trust agreement securing such bonds.

§ 10. Remedies.—Any holder of bonds issued under the provisions of this Act or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given. may be restricted by such trust agreement, may either at law or in equity, by suit, action, injunction, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted by this Act or under such trust agreement or the resolution authorizing the issuance of such bonds and may enforce and compel the performance of all duties required by this Act or by such agreement or resolution to be performed by the Authority or by any officer or agent thereof, including the fixing, charging and collection of tolls.

§ 11. Exemption from Taxation.—The exercise of the powers granted by this Act shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their safety, health, welfare, convenience and prosperity, and as the operation and maintenance of the project by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this Act or upon the income therefrom; and the bonds issued under the provisions of this Act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any municipality, county or other political subdivision thereof.

§ 12. Revenue Refunding Bonds.—The Authority is hereby authorized to provide by resolution for the issuance of its revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions or enlargements of the project. The issuance of such bonds, the maturities and other details thereof, the rights of the

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holders thereof, and the rights, duties and obligations of the Authority in respect of the same, shall be governed by the provisions of this Act in so far as the same may be applicable.

§ 13. Act Liberally Construed.—This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

§ 14. Constitutional Construction.—The provisions of this Act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included therein.

§ 15. Inconsistent Laws Inapplicable.—All other general or special laws inconsistent with any provision of this Act are hereby declared to be inapplicable to the provisions of this Act.

CHAPTER 580

An Act to amend and reenact § 65-85, as amended, of the Code of Virginia, relating to duty to furnish medical attention and the effect of refusal of employee to accept in workmen's compensation cases.

[H 649]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 65-85, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 65-85. For a period not exceeding sixty days after an accident the employer shall furnish or cause to be furnished, free of charge to the injured employee, such necessary medical attention as the nature of the accident may require, and the employee shall accept, and during the whole or any part of the remainder of his disability resulting from the injury, the employer may, at his own option, continue to furnish or cause to be furnished, free of charge to the employee, and the employee shall accept, an attending physician, unless otherwise ordered by the Industrial Commission, and in addition, such surgical and hospital service and supplies as may be deemed necessary by the attending physician or the Industrial Commission. When, in the judgment * of the Industrial Commission, *or a member thereof,* the facts require a reasonable extension of such medical * *care* beyond such period of sixty days, * the Commission, *or a member thereof,* may, in its *or his* discretion, require the employer to furnish free of charge to the injured employee such medical attention for a reasonable time after the termination of the sixty-day period, but not in excess of one year including such period of sixty days.

The refusal of the employee to accept such service when provided by the employer shall bar the employee from further compensation until such refusal ceases and no compensation shall at any time be paid for the period of suspension unless, in the opinion of the Industrial Commission, the circumstances justified the refusal. In any such case the Industrial Commission may order a change in the medical or hospital service.

If in an emergency on account of the employer's failure to provide the medical care during the period herein specified, or for other good reasons, a physician other than provided by the employer is called to treat the injured employee, during said period, the reasonable cost of such service shall be paid by the employer if ordered so to do by the Industrial Commission.

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CHAPTER 581

An Act to amend and reenact §§ 14-135, as amended, and 14-143 of the Code of Virginia, relating to certain fees chargeable by justices of the peace and notaries.

[H 653]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 14-135, as amended, and 14-143 of the Code of Virginia, be amended and reenacted as follows:

§ 14-135. A justice of the peace may, for the following services performed by him by virtue of his office, charge and collect the following fees only:

(1) For taking and certifying the acknowledgment of any deed or other writing, * *one dollar.*

(2) For administering and certifying an oath or affirmation, unless it be that of a witness, * *fifty* cents.

(3) For taking and certifying affidavits or depositions of witnesses, when done in an hour, one dollar, but if not done in an hour, then at the rate of seventy-five cents per hour for any additional time.

§ 14-143. A notary may, for services performed by him by virtue of his office, charge the following fees, to-wit:

(1) When there is a protest by a notary, for the record thereof, making out instrument of protest under his official seal, and notice of dishonor to one person besides the maker of a note or acceptor of a bill..... $1.00

(2) For every additional notice..... .10

(3) For taking and certifying the acknowledgment of any deed or other writing .....* *$1.00*

(4) For administering and certifying an oath, unless it be the affidavit of a witness .....* *.50*

(5) For taking and certifying affidavits or depositions of witnesses, when done in an hour..... .75

(6) If not done in an hour, for any additional time, at the rate per hour of ..... .75

(7) For other services a notary shall have the same fees as the clerk of a circuit or city court for like services.

CHAPTER 582

An Act to amend the Code of Virginia by adding a section numbered 28-57.2, to permit haul seining in Diascund Creek.

[H 656]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 28-57.2 as follows:

§ 28-57.2. Notwithstanding any other provision of law, it shall be lawful for any person to use haul seines in Diascund Creek.

CHAPTER 583

An Act to amend and reenact § 15-524 of the Code of Virginia, relating

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to the sheriff of the city of Richmond, so as to provide a maximum compensation for the office of sheriff of the city of Richmond.

[H 664]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-524 of the Code of Virginia be amended and reenacted as follows:

§ 15-524. There shall be elected at the election on Tuesday after the first Monday in November, nineteen hundred and forty-nine and every four years thereafter, by the qualified voters of the city of Richmond, a sheriff, who shall, on or before the first day of January, next succeeding his election, qualify before the circuit court of such city, or the judge thereof in vacation, and give bond with surety, in such penalty as may be required by the court or judge so that the same be not less than five thousand nor more than twenty thousand dollars. If such qualification be in vacation, the certificate thereof and the bond shall be returned to the clerk of the circuit court, who shall enter the certificate in the order book of the court and record the bond. The court may, whenever in its opinion it is necessary for the protection of the public interest, upon a rule awarded against such sheriff, require him to give new bond. If the sheriff shall fail to qualify and give bond on or before the first day of January next succeeding his election, or shall fail to give a new bond or an additional bond within ten days after an order shall have been made requiring the same to be given, in either case his office shall be deemed vacant. Such new bond or additional bond may be given in court, or before the judge thereof in vacation, and when given in vacation the judge shall certify the fact and return the bond to the clerk of his court, who shall file and record the same in his office. The sheriff shall attend the circuit, the law and the equity court and the chancery court of the city, and act as the officer of such courts. He shall exercise the same powers, perform the duties, have the same fees and compensation therefor, and be subject to the same penalties touching all process issued by such courts or by the clerks of such courts, or otherwise lawfully directed to him, that the sheriff of a county exercises, performs and is entitled or subject to in his county * *; provided, that the total annual compensation, exclusive of expenses authorized by the State Compensation Board, shall not exceed the sum of fifteen thousand dollars per annum.*

CHAPTER 584

An Act to amend and reenact § 14-145 of the Code of Virginia, relating to maximum compensation of certain fee officers, and statements to be filed by such officers with the State Compensation Board, so as to include the sheriff of the city of Richmond.

[H 665]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 14-145 of the Code of Virginia be amended and reenacted as follows:

§ 14-145. *The sheriff of the city of Richmond,* every clerk of a court of record except the clerk of the Supreme Court of Appeals, every high constable and the sergeant of every city which does not operate a jail, except the sergeants of the cities of Martinsville, Suffolk and Winchester

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shall annually, within fifteen days after the close of each anniversary of the beginning of the term of his office, file with the State Compensation Board a full and accurate statement showing all such fees, allowances, commissions, salaries or other emolument of office, derived from the State or any political subdivision thereof, or from any other source whatever, collected or received by him and a like statement of all such fees, allowances, commissions and salaries, chargeable under the law, but not collected by him, during the year ending December thirty-first next preceding. Such statements shall be verified by affidavit.

CHAPTER 585

An Act to appropriate funds for the payment of the salary of the additional judge of Hustings Court of the city of Richmond.

[H 667]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. There is hereby appropriated out of the general fund in the State treasury for the period beginning March one, nineteen hundred sixty and ending June thirty, nineteen hundred sixty, in order to pay the salary of the additional judge of Hustings Court of the city of Richmond, in addition to funds appropriated by Item 14 of Chapter 642 of the Acts of Assembly of 1958, the sum of four thousand dollars, or so much thereof as may be necessary. Such salary and payment thereof shall be subject to the existing statutes governing salaries and payments for judges of such courts generally.

2. An emergency exists and this act is in force from its passage.

CHAPTER 586

An Act to create the Richmond-Henrico Metropolitan Area Commission; to provide for its composition, organization and functioning and how it shall be financed; to require it to consider certain matters and to report thereon; and to provide for a referendum on certain questions.

[H 668]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby created the Richmond-Henrico Metropolitan Area Commission.

§ 2. The Commission shall consist of eleven members, who shall be chosen in the following manner:

(a) Four members appointed by the board of supervisors of the county, of whom two shall be members of the board and two shall be citizens of the county not members of the board.

(b) Four members appointed by the city council, of whom two members shall be members of the council, and two members shall be citizens of the city not members of the council.

(c) Three members to be chosen by unanimous vote of the eight members provided under subsections (a) and (b). Such members may have residence either in the county or the city. If the eight members chosen under subsections (a) and (b) cannot agree on the three additional mem-

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bers of the Commission, this fact shall be reported to the judge of the Circuit Court of the City of Richmond who shall appoint three persons, residents of the county or city to complete the membership of the Commission.

(d) Vacancies in the membership of the Commission shall be filled by the original appointing authority.

§ 3. (a) On or before October one, nineteen hundred sixty, the Commission shall meet for the purpose of organization. The Commission shall elect from among its members a Chairman and such other officers as it may deem necessary; may adopt such rules and regulations not inconsistent with this Act as it may deem necessary for the proper discharge of its duties; and may establish such committees as the work of the Commission may require.

(b) The Commission shall have the power to employ technically trained and clerical personnel to assist it or to contract with persons, firms or corporations for special and technical services or studies.

(c) As soon as possible after its organization, the Commission shall estimate the funds which will be necessary for it to carry out its functions, and shall request appropriations from the city of Richmond and from the county of Henrico. It is the intent of this Act that the work of the Commission shall be supported two-thirds by the city of Richmond and one-third by the county of Henrico to the extent that public funds are used, and any appropriation by either governing body may be conditioned on the appropriation by the other of its prorata share. The Commission is also authorized to accept gifts from persons, firms and corporations if such gifts are made available to the Commission to be used in its absolute discretion for the purposes of this Act.

(d) The city of Richmond and the county of Henrico shall make available to the Commission any information requested by the Commission, and they are hereby authorized to assist the Commission through gifts of necessary supplies and equipment, and temporary loans of personnel.

(e) The Commission shall select one of its members as Treasurer with authority to collect, deposit, and disburse funds made available to the Commission from any source whatsoever. The Treasurer of the Commission shall, before entering upon his duties, post a surety bond conditioned upon the faithful discharge of his duties in an amount and form fixed by the Commission. All moneys received for the Commission shall be deposited in a separate bank account, shall be earmarked for the use of the Commission, and shall be paid out on warrants signed by the Treasurer and countersigned by the Chairman of the Commission.

§ 4. The Commission shall make a thorough study of the governmental operations of the city and the county, and as a result of their study shall, on or before December one, nineteen hundred sixty-one, submit to the respective governing bodies of the city and the county, a report setting forth its findings and recommendations concerning the several plans hereinafter set forth; to wit:

(1) Annexation by the city of all or a part of the county. The Commission shall determine the potential overall savings in the cost of government through the elimination of offices and the consolidation of functions, and the benefits to the annexed area in additional or improved services, as compared with the increased tax burdens which might result in the annexed area; it shall also determine how the outstanding indebtedness of the city, the county, and districts in the county could be equitably liquidated.

(2) Merger of the city and the county. The Commission shall investigate the advantages and disadvantages of such a plan, as compared with annexation, and how the same could be accomplished, and if it deems such plan to be desirable, it shall recommend any changes in the statute law of the Commonwealth necessary to permit the execution of such a plan.

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(3) Consolidation of governmental functions. The Commission shall determine whether more efficient government would result from the performance of one or more specified functions by one governmental unit instead of by both the city and county, what functions could best be combined to promote the health, safety and welfare of the people of the metropolitan area and the more effective coordination of its growth and development, and whether the same could be best accomplished by agreement or contract between the city and county, the creation of an agency or agencies supported jointly by the city and the county with power to perform such functions, or other means. If the Commission determines that a plan of functional consolidation is desirable, it shall recommend any changes in the statute law of the Commonwealth necessary to permit the execution of such a plan.

§ 5. If the respective governing bodies of the city and county deem it desirable to ascertain the sentiment of the qualified voters of the metropolitan area as to any plan recommended by the Commission, they may by agreement call for an advisory referendum on the adoption of such plan. Such referendum shall be held at a general election, and the procedure shall conform, mutatis mutandis, to § 24-141 of the Code of Virginia; but the results of such election shall not be binding on the respective governing bodies.

2. This act shall become effective upon the adoption by the respective governing bodies of the city of Richmond and the county of Henrico, of resolutions stating the necessity and desirability of the creation of the Commission.

CHAPTER 587

An Act to amend and reenact § 8-639 of the Code of Virginia, relating to compromise of a claim for death by wrongful act.

[H 671]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 8-639 of the Code of Virginia be amended and reenacted as follows:

§ 8-639. The personal representative of the deceased may compromise any claim to damages arising under *or by virtue of* § 8-633, *including claims under the provision of an automobile insurance policy*, before or after action brought, * with the approval of the judge of the court wherein any such action has been brought, or if none has been brought, with the consent of the judge of any court wherein such action may be brought. Such approval may be applied for by the personal representative, on petition to such judge, in term or vacation, stating the compromise, the terms thereof, and reasons therefor, and convening the parties in interest; but it shall not be necessary to convene grandchildren whose living parents are made parties to the proceeding. If the judge approve the compromise, and the parties in interest do not agree upon the distribution to be made of what has been or may be received by the personal representative under such compromise, or if any of them are incapable of making a valid agreement, the judge shall direct such distribution as a jury might direct under § 8-636 as to damages awarded by them. In other respects what is received by the personal representative under the compromise shall be treated as if recovered by him in an action under the section last mentioned. When the judge acts in vacation, he shall return all the papers in the case and orders made therein to the clerk's office of his court. The clerk shall file the papers

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in his office as soon as received and forthwith enter the order in the order book on the law side of the court. Such orders and all the proceedings in vacation shall have the same force and effect as if made or had in term.

CHAPTER 588

An Act to amend and reenact § 2-20.1, as amended, of the Code of Virginia, relating to the permissive closing of certain banks on Saturdays.

[H 673]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 2-20.1, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 2-20.1. It shall be lawful for any bank as defined in § 6-6, including national banking associations and federal reserve banks, located in a county having a population of more than twenty-three thousand three hundred thirty and less than twenty-three thousand three hundred ninety, or in any city having a population of less than five thousand seven hundred, or located in a city which is partly in one state and partly in another state, or located in a city of this State having a population in excess of two hundred thousand according to the latest preceding United States census, or located in a city any portion of which city is within five miles of a city of said size, whether within or without this State, or located in a city of the State having a population of more than forty-five thousand and not more than fifty thousand according to the latest preceding United States census, or in any city having a population of more than twelve thousand two hundred but not more than twelve thousand three hundred fifty, or in any city of the State having a population of more than thirty thousand and not more than forty thousand, or in any city within five miles of a city of said size, or in any county having a population of less than three thousand eight hundred, or in any county having a population of more than fourteen thousand one hundred and less than fifteen thousand one hundred, or in any county adjoining three cities, two of which have a population of more than eighty thousand, or in any county adjoining three or more cities, one of which has a population in excess of two hundred thousand lying wholly within the State, or in any county having a population of more than thirty-three thousand five hundred but less than thirty-four thousand, or in any city having a population of more than nine thousand four hundred but less than ten thousand four hundred, or in any county having a population of more than eleven thousand five hundred, but less than twelve thousand, or in any county having a population of more than seventy thousand but less than ninety-nine thousand, or in a county having a population in excess of seventeen thousand but not in excess of seventeen thousand five hundred, or in any county having a population of more than twenty-seven thousand seven hundred, but less than twenty-eight thousand, or in any county having a population of more than seven thousand five hundred but less than seven thousand nine hundred, or in any county having a population of more than twenty-one thousand five hundred but less than twenty-two thousand, or in any city having a population of more than eighty-five thousand but not more than two hundred thousand or any bank in a city of said size having one or more branch banks located in a town, any portion of which town is within five miles of any such city, or in any city having a population of more than twenty-five thousand but less than thirty thousand, or in a city having a population of more than seven thousand but less than eight thousand, or in a county hav-

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ing a population of more than ninety thousand but less than ninety-nine thousand, or in any county having a population of more than twenty-six thousand six hundred, but less than twenty-six thousand six hundred and eighty, or in any county having a population of more than seven thousand one hundred, but less than seven thousand one hundred and forty, or in any county having a population of more than twelve thousand eight hundred, but less than thirteen thousand, or in any county having a population of more than twenty-four thousand six hundred, but less than twenty-six thousand six hundred, or in any county having a population of more than four thousand seven hundred, but less than five thousand five hundred, or in any county having a population of more than twenty thousand three hundred, but less than twenty-one thousand, or in any county having a population of more than twenty-three thousand four hundred, but less than twenty-five thousand, or in any county having a population of more than fifteen thousand seven hundred, but less than sixteen thousand, or in any county having a population of more than twenty-nine thousand but less than twenty-nine thousand seven hundred, or in any town located in a county having a population of more than forty-five thousand but less than fifty-five thousand and which town adjoins a city in another state, or in any county having a population of more than fifty-seven thousand, and contiguous to a city having a population of more than two hundred thirty thousand lying wholly within the State, or in any county having a population of more than seven thousand nine hundred, but less than eight thousand, or in any county having a population of more than seven thousand two hundred, but less than seven thousand five hundred, or in any county having a population of more than fourteen thousand one hundred, but less than fourteen thousand five hundred, or in any county having a population of more than five thousand five hundred, but less than six thousand, or in any county having a population of more than fifteen thousand three hundred, but less than fifteen thousand six hundred, or in any county having a population of more than eighteen thousand nine hundred, but less than nineteen thousand five hundred *or in any city having a population of more than nine thousand, but less than ten thousand, or in any county having a population of more than twenty-nine thousand seven hundred, but less than thirty thousand,* to permit any one or more or all its offices located in such a city, town or county to remain closed on any one or more or all Saturdays, as the bank, by resolution of its board of directors, may from time to time determine. Any Saturday on which an office of a bank shall remain closed, as herein permitted, shall as to such office, constitute a legal holiday, and any act authorized, required or permitted to be performed at, by or with respect to any such office on a Saturday on which the office is so closed, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay.

2. An emergency exists and this act is in force from its passage.

CHAPTER 589

An Act to amend and reenact § 26-40, as amended, of the Code of Virginia, relating to securities in which fiduciaries may invest lawfully.

[H 678]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 26-40, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 26-40. Executors, administrators, trustees, and other fiduciaries,

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both individual and corporate, may invest the funds held by them in a fiduciary capacity in the following securities, which are and shall be considered lawful investments:

(1) *Obligations of the Commonwealth.*—Stocks, bonds, notes, and other evidences of indebtedness of the State of Virginia, and those unconditionally guaranteed as to the payment of principal and interest by the State of Virginia.

(2) *Obligations of the United States, etc.*—Stocks, bonds, treasury notes and other evidences of indebtedness of the United States, and those unconditionally guaranteed as to the payment of principal and interest by the United States; and bonds of the District of Columbia, farm loan bonds and debentures issued under an act of Congress approved July seventeenth, nineteen hundred and sixteen, and amendments thereto, known as the Federal Farm Loan Act, and bonds and notes of the Federal National Mortgage Association and the Federal Home Loan Banks, and debentures and other obligations of Federal Intermediate Credit Banks, or Banks of Cooperatives, issued pursuant to acts of Congress.

(3) *Obligations of other states.*—Stocks, bonds, notes and other evidences of indebtedness of any state of the United States upon which there is no default and upon which there has been no default for more than ninety days; provided, that within the twenty fiscal years next preceding the making of such investment, such state has not been in default for more than ninety days in the payment of any part of principal or interest of any debt authorized by the legislature of such state to be contracted.

(4) *Obligations of Virginia counties, cities, etc.*—Stocks, bonds, notes and other evidences of indebtedness of any county, city, town, district, authority or other public body in the State of Virginia upon which there is no default; provided, that if the principal and interest be payable from revenues or tolls and the project has not been completed, or if completed, has not established an operating record of net earnings available for payment of principal and interest equal to estimated requirements for that purpose according to the terms of the issue, the standards of judgment and care required in § 26-45.1, without reference to this section, shall apply.

In any case in which an authority, having an established record of net earnings available for payment of principal and interest equal to estimated requirements for that purpose according to the terms of the issue, issues additional evidences of indebtedness for the purpose of acquiring or constructing additional facilities of the same general character that it is then operating, such additional evidences of indebtedness shall be governed fully by the provisions of this section without limitation.

(5) *Obligations of cities, counties, etc., of other states.*—Legally authorized stocks, bonds, notes and other evidences of indebtedness of any city, county, town or district situated in any one of the states of the United States upon which there is no default and upon which there has been no default for more than ninety days; provided that, (a) within the twenty fiscal years next preceding the making of such investment, such city, county, town or district has not been in default for more than ninety days in the payment of any part of principal or interest of any stock, bond, note or other evidence of indebtedness issued by it, (b) such city, county, town or district shall have been in continuous existence for at least twenty years, (c) such city, county, town or district has a population, as shown by the Federal census next preceding the making of such investment, of not less than twenty-five thousand inhabitants, (d) the stocks, bonds, notes or other evidences of indebtedness in which such investment is made are the direct legal obligations of the city, county, town or district issuing the same, (e) the city, county, town or district has power to levy taxes on the taxable real property therein for the payment of such

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obligations without limitation of rate or amount, and (f) the net indebtedness of such city, county, town or district (including the issue in which such investment is made), after deducting the amount of its bonds issued for self-sustaining public utilities, does not exceed ten per centum of the value of the taxable property in such city, county, town or district, to be ascertained by the valuation of such property therein for the assessment of taxes next preceding the making of such investment.

(6) *Bonds secured on real estate.*—Bonds and negotiable notes directly secured by a first lien on improved real estate or farm property in the State of Virginia, or in any state contiguous to the State of Virginia within a fifty-mile area from the borders of the State of Virginia, not to exceed sixty per centum of the fair market value of such real estate, including any improvements thereon at the time of making such investment, as ascertained by an appraisal thereof made by two reputable persons who are not interested in whether or not such investment is made.

(7) *Bonds secured on city property in Fifth Federal Reserve District.*—Bonds and negotiable notes directly secured by a first lien on improved real estate situated in any incorporated city in any of the states of the United States which lie wholly or in part within the Fifth Federal Reserve District of the United States as constituted on June eighteenth, nineteen hundred and twenty-eight, pursuant to the act of Congress of December twenty-third, nineteen hundred and thirteen, known as the Federal Reserve Act, as amended, not to exceed sixty per centum of the fair market value of such real estate, with the improvements thereon, at the time of making such investment, as ascertained by an appraisal thereof made by two reputable persons who are not interested in whether or not such investment is made; provided, that such city has a population, as shown by the Federal census next preceding the making of such investments, of not less than five thousand inhabitants.

(8) *Bonds of Virginia educational institutions.*—Bonds of any of the educational institutions of the State of Virginia, which have been or may be authorized to be issued by the General Assembly of the State of Virginia.

(9) *Securities of the R. F. & P.*—Stocks, bonds and other securities of the Richmond, Fredericksburg and Potomac Railroad Company, including bonds or other securities guaranteed by the Richmond, Fredericksburg and Potomac Railroad Company.

(10) *Obligations of railroads.*—Bonds, notes and other evidences of indebtedness, including equipment trust obligations, which are direct legal obligations of, or which have been unconditionally assumed or guaranteed as to the payment of principal and interest by, any railroad corporation operating within the United States which meets the following conditions and requirements:

(a) The gross operating revenue of such corporation for the fiscal year preceding the making of such investment, or the average of the gross operating revenue for the five fiscal years next preceding the making of such investment, whichever of these two is the larger, shall have been not less than ten million dollars.

(b) The total fixed charges of such corporation, as reported for the fiscal year next preceding the making of the investment, shall have been earned an average of at least two times annually during the seven fiscal years preceding the making of the investment and at least one and one-half times during the fiscal year immediately preceding the making of the investment (the term "total fixed charges" as used in this paragraph shall be deemed to refer to the term used in the accounting reports of common carriers as prescribed by the regulations of the Interstate Commerce Commission), and

(c) The aggregate of the average market prices of the total amounts of each of the individual securities of such corporation junior to its bonded

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debt and outstanding at the time of the making of such investment shall be equal to at least two-thirds of the total fixed charges, as defined in paragraph (b) of this clause (10) of this section, for such railroad corporation for the fiscal year next preceding the making of such investment capitalized at an interest rate of five per centum per annum. Such average market price of any one of such individual securities shall be determined by the average of the highest quotation and the lowest quotation of the individual security for a period immediately preceding the making of such investment, which period shall be the full preceding calendar year plus the then expired portion of the calendar year in which such investment is made; provided, that if more than six months of the calendar year in which such investment is made shall have expired, then such period shall be only the then expired portion of the calendar year in which such investment is made; and provided further, that if such individual security shall not have been outstanding during the full extent of such period, such period shall be deemed to be the length of time such individual security shall have been outstanding.

(11) *Obligations of leased railroads.*—Stocks, bonds, notes, other evidences of indebtedness and any other securities of any railroad corporation operating within the United States the railroad lines of which have been leased by a railroad corporation, either alone or jointly with other railroad corporations, whose bonds, notes and other evidences of indebtedness shall, at the time of the making of such investment, qualify as lawful investments for fiduciaries under the terms of clause (10) of this section; provided, that the terms of such lease shall provide for the payment by such lessee railroad corporation individually, irrespective of the liability of other joint lessee railroad corporations, if any, in this respect, of an annual rental of an amount sufficient to defray the total operating expenses and maintenance charges of the lessor railroad corporation plus its total fixed charges, plus, in the event of the purchase of such a stock as aforesaid, a fixed dividend upon any issue of such stock in which such investment is made, and provided, that, if such investment so purchased shall consist of an obligation of definite maturity, such lease shall be one which shall, according to its terms, provide for the payment of the obligation at maturity or extend for a period of not less than twenty years beyond the maturity of such obligations so purchased, or if such investment so purchased shall be a stock or other form of investment having no definite date of maturity, such lease shall be one which shall, according to its terms, extend for a period of at least fifty years beyond the date of the making of such investment.

(12) *Equipment trust obligations.*—Equipment trust obligations issued under the "Philadelphia Plan" in connection with the purchase for use on railroads of new standard gauge rolling stock, provided that the owner, purchaser, or lessee of such equipment or one or more of such owners, purchasers, or lessees shall be a railroad corporation whose bonds, notes and other evidences of indebtedness shall, at the time of the making of such investment, qualify as lawful investments for fiduciaries under the terms of clause (10) of this section, and provided that all of such owners, purchasers, or lessees shall be both jointly and severally liable under the terms of such contract of purchase or lease, or both, for the fulfillment thereof.

(13) *Preferred stock of railroads.*—Any preference stock of any railroad corporation operating within the United States, provided such stock and such railroad corporation meet the following conditions and requirements:

(a) Such stock shall be preferred as to dividends, such dividends shall be cumulative and such stock shall be preferred as to assets in the event of liquidation or dissolution;

(b) The gross operating revenue of such corporation for the fiscal

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year preceding the making of such investment, or the average of the gross operating revenue for the five fiscal years next preceding the making of such investment, whichever of these two is the larger, shall have been not less than ten million dollars;

(c) The total fixed charges, as defined in paragraph (b) of clause (10) of this section, of such corporation, as reported for the fiscal year next preceding the making of such investment, plus the amount, at the time of making such investment, of the annual dividend requirements on such preference stock and any preference stock having the same or senior rank, such fixed charges and dividend requirements being considered the same for every year, shall have been earned an average of at least two and one-half times annually for the seven fiscal years preceding the making of such investment and at least two times for the fiscal year immediately preceding the making of such investment; and

(d) The aggregate of the average market prices of the total amount of each of the individual securities of such corporation, junior to such preference stock and outstanding at the time of the making of such investment, shall be at least equal to the par value of the total issue of the preference stock in question plus the total par value of all other issues of its preference stock having either the same rank as, or a senior rank to, the issue of such preference stock plus total fixed charges, as defined in paragraph (b) of clause (10) of this section, for such railroad corporation for the fiscal year next preceding the making of such investment capitalized at an interest rate of five per centum per annum. Such average market price of any one of such individual securities shall be determined in the same manner as prescribed in paragraph (c) of clause (10) of this section.

(14) *Obligations of public utilities.*—Bonds, notes and other evidences of indebtedness of any public utility operating company operating within the United States, provided, such company meets the following conditions and requirements:

(a) The gross operating revenue of such public utility operating company for the fiscal year preceding the making of such investment, or the average of the gross operating revenue for the five fiscal years next preceding the making of such investment, whichever of these two is the larger, shall have been not less than five million dollars;

(b) The total fixed charges of such corporation, as reported for the fiscal year next preceding the making of the investment, shall have been earned, after deducting operating expenses, depreciation and taxes, other than income taxes, an average of at least one and three-quarters times annually during the seven fiscal years preceding the making of the investment and at least one and one-half times during the fiscal year immediately preceding the making of the investment;

(c) In the fiscal year next preceding the making of such investment the ratio of the total par value of the bonded debt of such public utility operating company including the total bonded indebtedness of all its subsidiary companies, whether assumed by the public utility operating company in question or not, to its gross operating revenue shall not be greater than four to one; and

(d) Such public utility operating company shall be subject to permanent regulation by a State commission or other duly authorized and recognized regulatory body;

The term "public utility operating company" as used in this clause (14) shall mean a public utility or public service corporation (i) of whose total income available for fixed charges for the fiscal year next preceding the making of such investment at least fifty-five per centum thereof shall have been derived from direct payments by customers for service rendered them, (ii) of whose total operating revenue for the fiscal year next preceding the making of such investment at least sixty per centum thereof shall

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have been derived from the sale of electric power, gas, water, or telephone service and not more than ten per centum thereof shall have been derived from traction operations, and (iii) whose gas properties are all within the limits of one state, if more than twenty per centum of its total operating revenues are derived from gas.

(15) *Preferred stock of public utilities.*—Any preference stock of any public utility operating company operating within the United States, provided such stock and such company meet the following conditions and requirements:

(a) Such stock shall be preferred as to dividends, such dividends shall be cumulative, and such stock shall be preferred as to assets in the event of liquidation or dissolution;

(b) The gross operating revenue of such public utility operating company for the fiscal year preceding the making of such investment, or the average of the gross operating revenue for the five fiscal years next preceding the making of such investment, whichever of these two is the larger, shall have been not less than five million dollars;

(c) The total fixed charges of such public utility operating company, as reported for the fiscal year next preceding the making of such investment, plus the amount, at the time of making such investment, of the annual dividend requirements on such preference stock and any preference stock having the same or senior rank, such fixed charges and dividend requirements being considered the same for every year, shall have been earned, after deducting operating expenses, depreciation and taxes, including income taxes, an average of at least two times annually for the seven fiscal years preceding the making of such investment and at least two times for the fiscal year immediately preceding the making of such investment;

(d) In the fiscal year next preceding the making of such investment, the ratio of the sum of the total par value of the bonded debt of such public utility operating company, the total par value of the issue of such preference stock, and the total par value of all other issues of its preference stock having the same or senior rank to its gross operating revenue shall not be greater than four to one; and

(e) Such public utility operating company shall be subject to permanent regulation by a State commission or other duly authorized and recognized regulatory body;

For the purposes of this clause (15) of this section, the term "public utility operating company" shall be construed in the same manner as defined in clause (14) of this section.

(16) *Obligations of the A. T. & T. Co.*—Bonds, notes and other evidences of indebtedness of the American Telephone and Telegraph Company; and bonds, notes and other evidences of indebtedness unconditionally assumed or guaranteed as to the payment of principal and interest by the American Telephone and Telegraph Company; provided that the total fixed charges, as reported for the fiscal year next preceding the making of the investment, of such company and all of its subsidiary corporations on a consolidated basis shall have been earned, after deducting operating expenses, depreciation and taxes, other than income taxes, an average of at least one and three-quarters times annually during the seven fiscal years preceding the making of the investment and at least one and one-half times during the fiscal year immediately preceding the making of the investment.

(17) *Obligations of municipally owned utilities.*—The stocks, bonds, notes and other evidences of indebtedness of any electric, gas or water department of any state, county, city, town or district whose obligations would qualify as legal for purchase under clauses (3), (4) or (5) of this section, the interest and principal of which are payable solely out of the revenues from the operations of the facility for which the

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obligations were issued, provided that the department issuing such obligations meets the requirements applying to public utility operating companies as set out in paragraphs (a), (b) and (c) of clause (14) of this section.

(18) *Obligations of industrial corporations.*—Bonds, notes and other evidence of indebtedness of any industrial corporation incorporated under the laws of the United States or of any state thereof, provided such corporation meets the following conditions and requirements:

(a) The gross operating revenue of such corporation for the fiscal year preceding the making of such investment, or the average of the gross operating revenue for the five fiscal years next preceding the making of such investment, whichever of these two is the larger, shall have been not less than ten million dollars;

(b) The total fixed charges of such corporation, as reported for the fiscal year next preceding the making of the investment, shall have been earned, after deducting operating expenses, depreciation and taxes, other than income taxes, and depletion in the case of companies commonly considered as depleting their natural resources in the course of business, an average of at least three times annually during the seven fiscal years preceding the making of the investment and at least two and one-half times during the fiscal year immediately preceding the making of the investment;

(c) The net working capital of such industrial corporation, as shown by its last published fiscal year end statement prior to the making of such investment, or in the case of a new issue, as shown by the financial statement of such corporation giving effect to the issuance of any new security, shall be at least equal to the total par value of its bonded debt as shown by such statement; and

(d) The aggregate of the average market prices of the total amounts of each of the individual securities of such industrial corporation, junior to its bonded debt and outstanding at the time of the making of such investment, shall be at least equal to the total par value of the bonded debt of such industrial corporation at the time of the making of such investment, such average market price of any one of such individual securities being determined in the same manner as prescribed in paragraph (c) of clause (10) of this section.

(19) *Preferred stock of industrial corporations.*—Any preference stock of any industrial corporation incorporated under the laws of the United States or of any state thereof, provided such stock and such industrial corporation meet the following conditions and requirements:

(a) Such stock shall be preferred as to dividends, such dividends shall be cumulative and such stock shall be preferred as to assets in the event of liquidation or dissolution;

(b) The gross operating revenue of such corporation for the fiscal year preceding the making of such investment, or the average of the gross operating revenue for the five fiscal years next preceding the making of such investment, whichever of these two is the larger, shall have been not less than ten million dollars;

(c) The total fixed charges of such corporation, as reported for the fiscal year next preceding the making of such investment, plus the amount, at the time of making such investment, of the annual dividend requirements on such preference stock and any preference stock having the same or senior rank, such fixed charges and dividend requirements being considered the same for every year, shall have been earned, after deducting operating expenses, depreciation and taxes, including income taxes, and depletion in the case of companies commonly considered as depleting their natural resources in the course of business, an average of at least four times annually for the seven fiscal years preceding the making of such

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investment and at least three times for the fiscal year immediately preceding the making of such investment;

(d) The net working capital of such industrial corporation, as shown by its last published fiscal year end statement prior to the making of such investment, or, in the case of a new issue, as shown by the financial statement of such corporation giving effect to the issuance of any new security, shall be at least equal to the total par value of its bonded debt plus the total par value of the issue of such preference stock plus the total par value of all other issues of its preference stock having the same or senior rank; and

(e) The aggregate of the lowest market prices of the total amounts of each of the individual securities of such industrial corporation junior to such preference stock and outstanding at the time of the making of such investment shall be at least two and one-half times the par value of the total issue of such preference stock plus the total par value of all other issues of its preference stock having the same or senior rank plus the par value of the total bonded debt of such industrial corporation. Such lowest market price of any one of such individual securities shall be determined by the lowest single quotation of the individual security for a period immediately preceding the making of such investment, which period shall be the full preceding calendar year plus the then expired portion of the calendar year in which such investment is made, and provided, that if such individual security shall not have been outstanding during the full extent of such period, such period shall be deemed to be the length of time such individual security shall have been outstanding.

(20) *Obligations of finance corporations.*—Bonds, notes and other evidences of indebtedness of any finance corporation incorporated under the laws of the United States or of any state thereof, provided such corporation meets the following conditions and requirements:

(a) The gross operating income of such corporation for the fiscal year preceding the making of such investment or the average of the gross operating income for the five fiscal years next preceding the making of such investment, whichever of these two is the larger, shall have been not less than five million dollars;

(b) The total fixed charges of such corporation, as reported for the fiscal year next preceding the making of the investment, shall have been earned, after deducting operating expenses, depreciation and taxes, other than income taxes, an average of at least two and one-half times annually during the seven fiscal years preceding the making of the investment and at least two times during the fiscal year immediately preceding the making of the investment;

(c) The aggregate indebtedness of such finance corporation as shown by its last fiscal year end statement, or, in the case of a new issue, as shown by the financial statement giving effect to the issuance of any new securities, shall be no greater than three times the aggregate net worth, as represented by preferred and common stocks and surplus of such corporation;

(d) The aggregate of the average market prices of the total amounts of each of the individual securities of such finance corporation, junior to its bonded debt and outstanding at the time of the making of such investment, shall be at least equal to one-third of the sum of the par value of the bonded debt plus all other indebtedness of such finance corporation as shown by the last published fiscal year end statement, such average market price of any one of such individual securities being determined in the same manner as prescribed in paragraph (c) of clause (10) of this section.

(21) *Preferred stock of finance corporations.*—Any preference stock of any finance corporation, incorporated under the laws of the United

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States or of any state thereof, provided, such stock and such corporation meet the following conditions and requirements:

(a) Such stock shall be preferred as to dividends, such dividends shall be cumulative, and such stock shall be preferred as to assets in the event of liquidation or dissolution;

(b) The gross operating income of such corporation for the fiscal year preceding the making of such investment or the average of the gross operating income for the five fiscal years next preceding the making of such investment, whichever of these two is the larger, shall have been not less than five million dollars;

(c) The total fixed charges of such finance corporation, as reported for the fiscal year next preceding the making of such investment, plus the amount, at the time of making such investment, of the annual dividend requirements on such preference stock and any preference stock having the same or senior rank, such fixed charges and dividend requirements being considered the same for every year, shall have been earned, after deducting operating expenses, depreciation and taxes, including income taxes, an average of at least three and one-half times annually for the seven fiscal years preceding the making of such investment and at least three times for the fiscal year immediately preceding the making of such investment;

(d) The aggregate indebtedness and par value of the purchased stock, both the issue in question and any issues equal or senior thereto, of such finance corporation as shown by its last published fiscal year end statement, or in the case of a new issue as shown by the financial statement giving effect to the issuance of any new securities, shall be no greater than three times the aggregate par value of the junior securities and surplus of such corporation; and

(e) The aggregate of the lowest market prices of the total amounts of each of the individual securities of such finance corporation junior to such preference stock and outstanding at the time of the making of such investment shall be at least equal to one-third of the sum of the par value of such preference stock plus the total par value of all other issues of preference stock having the same or senior rank plus the par value of the total bonded debt plus all other indebtedness of such finance corporation as shown by the last published fiscal year end statement, such lowest market price of any one of such individual securities being determined in the same manner as prescribed in paragraph (e) of clause (19) of this section.

(22) *Federal Housing loans.*—First mortgage real estate loans insured by the Federal Housing Administrator, under Title II of the National Housing Act.

(23) *Certificates of deposit and savings accounts.*—Certificates of deposit of, and savings accounts in, any bank, banking institution or trust company, whose deposits are insured by the Federal Deposit Insurance Corporation at the prevailing rate of interest on such certificates or savings accounts; provided, however, no such fiduciary shall invest in such certificates of, or deposits in, any one bank, banking institution or trust company an amount from any one fund in his or its care which shall be in excess of such amount as shall be fully insured as a deposit in such bank, banking institution or trust company by the Federal Deposit Insurance Corporation. * A corporate fiduciary shall not, however, be prohibited by the terms of this clause (23) of this section from depositing in its own banking department, in the form of demand deposits, savings accounts, time deposits or certificates of deposit, funds in any amount awaiting investments or distribution, provided that it shall have complied with the provisions of §§ 6-98 and 6-99, with reference to the securing of such deposits.

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(24) *Obligations of International Bank.*—Bonds and other obligations issued, guaranteed or assumed by the International Bank for Reconstruction and Development.

(25) *Shares of building and loan associations and savings and loan associations.*—Shares in any building and loan association of this State and in any federal savings and loan association lawfully authorized to do business in this State whose accounts are insured by the Federal Savings and Loan Insurance Corporation; provided, however, no such fiduciary shall invest in such shares of any one such association an amount from any one fund in his or its care which shall be in excess of such amount as shall be fully insured as an account in such association by the Federal Savings and Loan Insurance Corporation.

CHAPTER 590

An Act to amend and reenact §§ 29-135, 29-136, as amended, 29-138 and 29-150 of the Code of Virginia, allowing the Commission of Game and Inland Fisheries to fix hunting seasons, with certain exceptions, specifying certain game birds, game animals and fish which may be taken pursuant to the rules and regulations of the Commission and providing for the taking of such game and fish under certain conditions.

[H 626]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 29-135, 29-136, as amended, 29-138 and 29-150 of the Code of Virginia, be amended and reenacted as follows:

§ 29-135. It shall be lawful to hunt wild birds and wild animals named in the following sections of this article, within the daily and season bag limits, if any, during the open seasons provided, including the first and last days thereof, * *as promulgated by Commission regulations; provided that nothing in this section shall affect the operation of any local acts heretofore or hereafter enacted.*

§ 29-136. *The following nonmigratory game birds may be hunted during the open seasons prescribed in § 29-135; provided that nothing in this section shall affect the operation of any local acts heretofore or hereafter enacted:*

Grouse. *

Pheasant, ringnecked only.—* The Commission * may issue a permit to raise or purchase pheasants which shall entitle the permittee to release pheasants raised or purchased by him on land owned or leased by him, and such pheasants may be hunted under rules and regulations promulgated by the Commission. *

Birds introduced by the Commission.

Quail.—* The Commission may open the season on pen-raised quail on controlled shooting areas operated under Chapter 4 (§ 29-38 et seq.) of this title under rules and regulations as may be promulgated by the Commission. *

Turkey. *

Clapper Rail. *

§ 29-138. Black bear.—* Black bear may be killed by any person when it is inflicting or attempting to inflict injury to the person or property of anyone, or in a pursuit commenced within twenty-four hours after the commission of such offense. Any person killing a bear under this provision shall forthwith report the same to the game warden of the county.

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Deer.—Unlawful to molest while swimming in the water of any stream, lake or pond, or to hunt with dogs in the counties west of the Blue Ridge Mountains. *

Elk.—Unlawful to hunt with dogs. *

Fox.—* Continuous open season for hunting with dogs only. Foxes may be killed at any time by the owner or tenant of any land when such animals are doing damage to domestic stock or fowl.

Rabbits *and squirrels.—* It shall be unlawful to kill rabbits and squirrels during the closed season thereon, except that a landowner, his wife or child, resident members of hunt clubs who own the land in fee; either jointly or through a holding corporation, and tenants residing upon the premises, with the written permission of the landowner, may kill rabbits or squirrels for their own use during the closed season. Further, when such animals are committing substantial damage to fruit trees, gardens, crops, or other property,* the owner of the premises may *kill* or have the same killed under permit obtained from the game warden of the county authorizing same*; provided that nothing in this section shall affect the operation of any local acts heretofore or hereafter enacted.*

§ 29-150. The open season during which it shall be lawful to take any species of bass and trout from the inland waters of this State, but only by angling with hook and line, attached to a rod or pole, either with or without a reel, and with or without the aid of a hand landing net, * including the first and last days thereof, shall be as * *promulgated by Commission regulations.*

Bass, * *including* rock bass and redeye. *

Trout, any species.—* The owner, or lessee, of any private pond stocked by himself, or by the Commission * not less than three years prior thereto, may capture any fish therefrom for his own use at any time*; provided that nothing in this section shall affect the operation of any local acts heretofore or hereafter enacted.*

CHAPTER 591

An Act to amend and reenact § 46.1-328 of the Code of Virginia, relating to the width of vehicles and exceptions as to size.

[H 629]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-328 of the Code of Virginia be amended and reenacted as follows:

§ 46.1-328. (a) No vehicle, including any load thereon, but excluding the mirror required by § 46.1-289, shall exceed a total outside width as follows: (1) Farm tractor—one hundred eight inches; (2) passenger bus operated in an incorporated city or town when authorized under § 46.1-180—one hundred two inches; (3) other vehicles—ninety-six inches.

(b) Provided, however, that upon application by the governing body of any county having a population of more than five thousand inhabitants per square mile the State Highway Commission may by general or special order, which may be amended or rescinded from time to time, permit the operation of passenger buses in excess of ninety-six inches but not exceeding one hundred and two inches on certain highways or parts thereof designated by the Commission in such county.

(c) And provided further, that upon application by the governing

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body of any county contiguous to an incorporated city or town or which is contiguous to a county having a population of more than five thousand inhabitants per square mile, the State Highway Commission may by general or special order, which may be amended or rescinded from time to time, permit the operation of passenger buses of a total outside width in excess of ninety-six inches but not exceeding one hundred and two inches, which passenger buses have been authorized for operation within such city or town in the manner provided in subsection (a) (2) of this section or within such county in the manner provided in subsection (b) of this section, on certain highways or parts thereof designated by the Commission in such contiguous county and within ten miles of the corporate limits of the aforesaid city, town or county.

CHAPTER 592

An Act to authorize construction, maintenance and operation of information centers at the entrance of federal interstate highways into this Commonwealth.

[H 630]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Conservation and Development is hereby authorized to expend out of funds allocated to it for State advertising and promotion, such funds as are necessary to construct, maintain and operate appropriate information centers, located at the entrance into this Commonwealth of the several federal interstate highways.

CHAPTER 593

An Act to amend the Code of Virginia by adding thereto a section numbered 36-11.2, relating to appointment of commissioners of redevelopment and housing authorities in certain cities.

[H 633]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a section numbered 36-11.2 as follows:

§ 36-11.2. Notwithstanding any other provision of law to the contrary, whenever the members of a council of any city have been authorized to act as commissioners of a redevelopment and housing authority created under § 36-4 for such city, the council of any such city is hereby authorized to adopt a resolution appointing other commissioners for such authority in accordance with § 36-11, to serve as such in lieu of the members of council so acting.

The provisions of this section shall not affect the provisions of the charter of any such city authorizing the governing body thereof to provide for the activation of such authority.

CHAPTER 594

An Act to amend and reenact § 29-5, as amended, of the Code of Virginia,

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relating to expenses and per diem for the Commission of Game and Inland Fisheries.

[H 636]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 29-5, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 29-5. The chairman and other members of the Commission shall receive no salaries but shall be reimbursed for the actual and necessary traveling expenses incurred by them in attendance upon meetings of the Commission and while otherwise engaged in the performance of their duties, and in addition thereto each member shall be paid the sum of * *fifteen* dollars a day for each day spent in attendance upon the meetings of the Commission and while otherwise engaged in the performance of their duties, but the aggregate of such per diem compensation to any one member shall not exceed, however, * *three* hundred and * *sixty* dollars in any one fiscal year.

CHAPTER 595

An Act to authorize the Governor and Attorney General to execute, in the name of the Commonwealth, deeds conveying unto Lafayette Yacht Club, Incorporated, certain formerly submerged lands in the Lafayette River at Norfolk, Virginia.

[H 642]

Approved March 31, 1960

Whereas, in recent years the Lafayette Yacht Club, Incorporated and Vernon T. Myers have reclaimed, by bulkheading and filling certain submerged lands from the bed of the Lafayette River in Norfolk, Virginia, abutting the property owned by them and they each desire to perfect their title to such reclaimed lands by obtaining a conveyance thereof from the Commonwealth of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. The Governor and the Attorney General are hereby authorized in consideration of the premises and the payment of the sum of one dollar to execute, in the name of the Commonwealth, a proper deed of conveyance, under the lesser seal of the Commonwealth, conveying unto the Lafayette Yacht Club, Incorporated, all its right, title and interest in and to the following described property, or any part thereof:

All that said parcel of formerly submerged land lying and being in Norfolk, Virginia, and more particularly described as follows:

Commencing at a point on the north line of New Jersey Avenue at its intersection with the west line of Llewellyn Avenue extended, thence N 69° 51′ W 10.50′ to a point, thence N 19° 58′ 30″ E a distance of 1392.53′ to a point, thence S 64° 31′ 30″ E 383.30′ to a point, thence S 27° 37′ W 232.81′ to a point, thence N 31° 50′ W 155.82′ to a point on a circle having a radius of 128.73′, thence on an arc in a southwesterly direction on said circle 287.63′ to a point, thence S 20° 09′ W along a line to the point and place of beginning and being more particularly shown on a plat of survey entitled "Land Accreting to the Lafayette Yacht Club by Virtue of Land Fill into the Lafayette River" dated February ten, nineteen hundred sixty and made by Langley and McDonald, Consulting Engineers, to which plat reference is here made.

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CHAPTER 596

An Act to amend and reenact § 2 of Chapter 530 of the Acts of Assembly of 1926, approved March 25, 1926, relating to the area which may be served by the water works system of the city of Newport News.

[H 646]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 2. * *The* city of Newport News * shall continue to serve all corporations or persons * supplied with water by said water works system *at the time of the purchase of said water works system* in York County, James City County, * *the consolidated city of Newport News, the consolidated* city of Hampton, * *and, in addition thereto, the said council may contract to serve the inhabitants of New Kent County, and other municipalities and counties upon such terms and conditions as may be agreed upon.* The city council of said city may authorize the extension of the water mains of said water works system so as to supply additional consumers of water in the territories aforesaid; and the said council may also contract with the United States to supply water to Fort Eustis, * *Naval Weapons Station,* Langley * *Air Force Base,* * Fortress Monroe and the * *Kecoughtan Veterans Facility, and other installations of the United States within the territories aforesaid,* upon such terms and conditions as may be agreed upon.

CHAPTER 597

An Act authorizing Eastern State Hospital to convey certain real estate to The College of William and Mary in Virginia and to further authorize The College of William and Mary in Virginia to negotiate with Colonial Williamsburg, Incorporated, for the exchange of certain real estate and with the approval of the Governor to consummate the sale thereof and to provide for disposition of the proceeds of such sale.

[H 648]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. Subject to the approval of the Governor in writing first obtained, Eastern State Hospital is hereby empowered to convey by deed, in form approved by the Attorney General, to The College of William and Mary in Virginia the following described property:

(1) All that certain lot or parcel of land, together with the buildings and improvements thereon, situate in the City of Williamsburg, Virginia, and bounded and described as follows: On the North by Ireland Street, 77½ feet; East by South Henry Street, 112 feet; South by the lot belonging to Minerva Pickett's estate; and West by the lot formerly owned by Bushrod Bowery, and being in all respects the same lot as that conveyed to W. C. Skillman by Nannie B. Hicks and John E. Hicks, by deed dated October 25, 1922, and recorded in Williamsburg D. B. #9, p. 491.

(2) All that certain piece, parcel or lot of land, together with the buildings and improvements thereon, situate, lying and being on the West side of Henry Street in the City of Williamsburg, Virginia, beginning at a point on said street where the property hereby conveyed adjoins the property formerly owned by Mittie Thorpe, now owned by Young, thence from said point South the distance of forty-one feet six inches (41′ 6″)

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along said Henry Street to an iron rod driven in the ground; thence West the distance of two hundred feet (200') to a fence post; thence North the distance of thirty-nine (39') feet to the line of Thorpe (now Young); thence East the distance of two hundred (200') feet to the point of beginning, the said property being bounded on the North by said Thorpe (or Young) property; on the East by Henry Street; on the South by the land of George W. Holmes and on the West by the property of R. D. Wilkins and Hattie W. Bozarth, being the same property which the said Channing M. Hall acquired by deed from William F. Rogers and Ola May Rogers, his wife, dated June 17, 1919, and recorded in Williamsburg Deed Book No. 8, page 317; and being also the same property reconveyed to said Channing M. Hall by deed from Frank E. Fletcher and wife and V. M. Geddy, Trustee, by deed dated April 19, 1923, recorded in Williamsburg D. B. No. 9, pp. 587-8.

(3) All that unimproved portion of the lot of land situate in the City of Williamsburg, and bounded as follows: on the North by the upper portion of lot formerly belonging to Edward Garrett; on the West by the land belonging to Henry Jamison; on the South by the property of Christopher James; and on the East by the College Landing Road; this lot fronts said road forty-six (46) feet running back in parallel lines one hundred and fifty-three (153) feet, more or less. Being the property conveyed to R. E. Braxton by deed from B. F. Wolfe, Trustee, recorded in Deed Book 5, Page 89.

(4) All of that certain lot or parcel of land situate in the City of Williamsburg, Virginia, fronting on the College Landing Road sixty-two (62) feet, more or less, and bounded on the East by the said College Landing Road, North by a lane, West by the land now or formerly owned by Harriet Wilkins, and South by a lot conveyed by B. F. Wolfe, Trustee, to Ellis Braxton.

(5) All of that certain lot or parcel of land, together with buildings and improvements thereon, situate in Jamestown District, James City County, Virginia, and bounded and described as follows: Said lot fronting on College Landing Road one hundred (100) feet, and extending West between parallel lines three hundred (300) feet, and bounded on the South by the property formerly owned by J. O. Kent, now owned by R. R. Cole, on the East by the College Landing Road, and on the West and North by the property formerly owned by Laura V. Rogers and Charles Rogers.

And being the same property conveyed to Andrew Bethune by Charles L. and Laura V. Rogers by deed dated February 20, 1904, and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Deed Book No. 9, Page 247; less a part of said lot, which was conveyed by Andrew Bethune and Maggie M. Bethune, his wife, to J. O. Kent by deed dated April 24, 1905, and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Deed Book No. 10, Page 127.

§ 2. Subject to the approval of the Governor in writing first obtained, The College of William and Mary in Virginia is hereby empowered to negotiate with, and to transfer by deed, in form approved by the Attorney General, to Colonial Williamsburg, Incorporated, the following described property:

All that certain lot or parcel of land, together with the buildings and improvements thereon, situate in the City of Williamsburg, Virginia, and bounded and described as follows: On the North by Ireland Street, 77½ feet; East by South Henry Street, 112 feet; South by the lot belonging to Minerva Pickett's estate; and West by the lot formerly owned by Bushrod Bowery, and being in all respects the same lot as that conveyed to W. C. Skillman by Nannie B. Hicks and John E. Hicks, by deed dated October 25, 1922, and recorded in Williamsburg D. B. #9, p. 491.

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This land and buildings thereon may be exchanged for a certain parcel of land owned by Colonial Williamsburg, Incorporated, as follows:

All that certain lot of land, together with the buildings and improvements thereon, situated in the City of Williamsburg, Virginia, lying on the West side of Boundary Street, and fronting on said street the distance of one hundred and forty-two (142) feet, more or less, and running back between parallel lines to the property of The College of William and Mary in Virginia, the Northern boundary line of the lot hereby conveyed being ninety-three (93) feet, more or less, in length, the Southern boundary thereof being one hundred and fifteen (115) feet, more or less, in length, and the Eastern and Western boundary lines thereof being each one hundred and forty-two (142) feet, more or less, in length; being bounded on the North and West by the property of The College of William and Mary in Virginia; on the East by Boundary Street; and on the South by the property of R. C. Nightingale.

§ 3. All moneys received from the exchange of said properties shall be paid into the State treasury to the credit of The College of William and Mary in Virginia to be expended by the rector and visitors for the construction in whole or in part of a new library for The College in Williamsburg, or for debt reduction, subject to the approval of the Governor.

2. An emergency exists and this act is in force from its passage.

CHAPTER 598

An Act to amend the Code of Virginia by adding thereto a new section numbered 63-127.1, to provide for the execution of deeds of trust by recipients of old age assistance and the redemption and foreclosure of such deeds of trust.

[H 718]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding thereto a new section numbered 63-127.1 as follows:

§ 63-127.1. Notwithstanding the provisions of § 63-127, each local board of public welfare may, in lieu of filing the notices prescribed in § 63-127, require each recipient who is approved for assistance after July 1, 1960, who owns real estate, to execute a deed of trust on all such real estate to secure the local board for all payments of assistance thereafter made to such recipient. The local board shall cause such deed of trust to be recorded in the office of the clerk of the court in which deeds are admitted to record in the county or city in which such real estate is located. No recordation tax shall be charged upon such instrument, but the clerk shall be entitled to the recordation fee, and the Welfare Department is hereby authorized to pay such fee from its administrative fund.

Whenever the amount secured by the deed of trust herein provided for has been paid, the owner of the property shall be entitled to a deed of release at his own expense, provided no fee in excess of five dollars shall be collected from the owner on account of the preparation and execution of such deed of release.

No foreclosure shall be made under the deed of trust herein provided for so long as such recipient is eligible for assistance. Upon the death of any recipient, unless the amount secured thereby shall be paid within 12 months from such date, the local board shall direct the trustee to sell the property, or so much thereof as may be necessary to satisfy the debt, which

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sale shall be pursuant to the provisions of § 55-59 of the Code of Virginia, or in accordance with the provisions of the deed of trust relating to the procedure in case of sale. The lien created by such deed of trust shall be prior to all other claims except prior liens, and except funeral expenses not in excess of two hundred dollars, and except hospital bills, doctors' bills and medical expenses not in excess of one hundred and fifty dollars.

Nothing herein contained shall affect the operation of § 63-128. No lien which attached prior to July 1, 1960, shall be impaired by the operation of this section nor shall its priority be affected. The execution of such deed of trust by the recipient shall not prohibit the local board from filing, at any time, the notice or notices permitted under § 63-127 for the purpose of obtaining a lien upon any property of the recipient, real or personal, not included in the deed of trust, and enforcing the lien or liens created by the filing of such notices.

CHAPTER 599

An Act to amend and reenact § 54-513 of the Code of Virginia, relating to prohibition against obtaining narcotic drugs by fraud, deceit or forgery, so as to extend the provisions thereof to certain other medicinal preparations.

[H 721]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 54-513 of the Code of Virginia be amended and reenacted as follows:

§ 54-513. (1) No person shall obtain or attempt to obtain a narcotic drug *or any medicinal preparation described in § 54-499 (1)* or procure or attempt to procure the administration of a narcotic drug *or any medicinal preparation described in § 54-499 (1):* (a) By fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this article.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of § 54-499, in the same way as they apply to transactions under all other sections of this article.

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CHAPTER 600

An Act to amend the Code of Virginia by adding a new section numbered 62-2.1, relating to the authority required for the use of subaqueous beds.

[H 722]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a new section numbered 62-2.1 as follows:

§ 62-2.1. Except for (1) the erection of dams the construction of which has been authorized by proper authority; (2) the uses of subaqueous beds authorized under the provisions of Title 28 of the Code; (3) uses incident to the construction and maintenance of approved navigation and flood control projects; (4) seawalls and jetties incident to controlling erosion; (5) private docks and landings for noncommercial use; (6) fills by riparian owners opposite their property to the established pierhead line; and (7) other uses which have been or may be authorized by the General Assembly, on and after the effective date of this Act, it shall be unlawful and constitute a misdemeanor for anyone to build, dump, or otherwise trespass or encroach upon the beds of the bays, rivers, creeks, and the shores of the sea, which are the property of the Commonwealth, without first obtaining authority from the Attorney General. Upon receipt of a request for any such use of beds, the Attorney General, with the consent and approval of the Governor, shall have authority to approve or disapprove, or approve with modifications, such request and to specify such conditions as may be appropriate.

CHAPTER 601

An Act to amend and reenact § 15-508, as amended, of the Code of Virginia, relating to interest of municipal officials in contracts with and claims against the municipality.

[H 731]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-508, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-508. No member of the council, board of aldermen or member of the school board, or any other officer, or agent, or any commissioner appointed for the opening of streets, or any other member of a committee constituted or appointed for the management, regulation or control of corporate property of any city or town, or constable, policeman, commissioner of the revenue, treasurer, attorney for the Commonwealth, clerk of the court, civil or police justice, sheriff, sergeant, superintendent of the poor or any other paid officer of any city or town, during the term for which they are elected or appointed, shall be a contractor or subcontractor, with the corporation, or its agents, or with such committee, nor shall they be interested, directly or indirectly, in any contract, subcontract, or job of work, or materials, or the profits or contract price thereof, or any services to be performed for the city, or town, for pay under any contract or subcontract; and no such councilman, officer or employee shall be interested, directly or indirectly in any contract, subcontract, or job

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of work, or materials or the profits or the contract price thereof, or services to be furnished or performed for the city or town for pay under any contact or subcontract; nor as agent for such contractor or subcontractor, or other person furnishing any supplies or materials. Every such contract or subcontract shall be void, and the officer, councilman, agent, or member of such committee making such contract shall forfeit to the Commonwealth the full amount stipulated for thereby.

No officer of a city or town, who alone or with others is charged with the duty of auditing, settling or providing, by levy or otherwise, for the payment of claims against such city or town, shall, by contract, directly or indirectly, become the owner of or interested in any claim against such city or town. Every such contract or subcontract shall be void, and if any such claim be paid, the amount paid, with interest, may be recovered back by the city or town, within two years after payment, by action or motion in the circuit or corporation court having jurisdiction over such city or town.

The term "contract" as used in this section shall not be held to include the depositing of city or town funds in, or the borrowing of funds from, local banks in which councilmen or other officer of the city or town may be a director or officer or have a stock interest; nor shall it include the granting of franchises to or purchase of services from public service corporations.

This section shall not prevent any officer or director of a bank which has a contract with a city from serving as a member of the council of such city, nor affect the validity of any such contract.

This section shall not apply to attorneys for the Comonwealth employed by the governing bodies of cities under the provisions of §§ 58-762, 58-1016 or 58-1102 to collect taxes which are a lien on real estate.

2. An emergency exists and this act is in force from its passage.

CHAPTER 602

An Act to provide for the gradual revision of the Code of Virginia under the direction of the Virginia Code Commission; and to appropriate to the Virginia Code Commission certain funds to carry out the project.

[H 733]

Approved March 31, 1960

Be it enacted by the General Assembly of Virginia:

1. § 1. The Code of Virginia shall be gradually revised by revising one title at a time. In revising each title, all other sections of the Code relating to the same subject matter shall be revised to the extent necessary. Experts shall be employed by the Virginia Code Commission to assist in the project. The Commission may also accept the services of qualified volunteers who are willing to serve without pay. Tentative drafts of proposed revisions shall be printed and circulated among interested persons and their comments solicited.

§ 2. The revision of Title 15, dealing with counties, cities and towns, shall be undertaken next.

§ 3. The Commission shall submit to the Governor and the General Assembly, on or before October one, nineteen hundred sixty-one, a report of its recommendations, together with suggested legislation necessary to carry such recommendations into effect.

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§ 4. The Commission is authorized to expend funds made available to it by this Act for the purpose of paying the expenses of members of the Commission, and the expenses of members of committees selected by it, when engaged in the performance of duties imposed by this Act, as well as the salaries and expenses of persons employed by the Commission to work on the revision of the titles of the Code herein mentioned, and other expenses of the Commission properly chargeable to this project.

2. There is hereby appropriated to the Virginia Code Commission, to be used solely for the purposes hereinabove set forth, a sum sufficient, estimated at five thousand dollars.

CHAPTER 603

An Act to amend and reenact §§ 58-628 as amended, 58-629 as amended, 58-711, 58-715 as amended, 58-730 as amended and 58-744 as amended, of the Code of Virginia; and to amend the Code of Virginia by adding thereto in Title 58 a chapter numbered 14.1, consisting of a new section numbered 58-757.1, all relating to road taxes and taxes upon the sale and use of motor fuels, and to credits, refunds, and uses of such taxes paid.

[S 26]

Approved April 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-628 as amended, 58-629 as amended, 58-711, 58-715 as amended, 58-730 as amended and 58-744 as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 58-628. Every motor carrier of passengers, *except urban and suburban bus lines,* shall pay a road tax equivalent to * *seven* cents per gallon, and every motor carrier of property shall pay a road tax equivalent to * *nine* cents per gallon calculated on the amount of gasoline or liquefied gases (which would not exist as liquids at a temperature of 60°F and a pressure of 14.7 pounds per square inch absolute), or other motor fuel used in its operations within this State. *Urban and suburban bus lines which are hereby defined as bus lines the majority of whose passengers use the buses for traveling a distance of not exceeding forty miles, measured one way, on the same day between their places of abode and their places of work, shopping areas, or schools, shall pay a road tax equivalent to six cents per gallon calculated on the amount of gasoline or liquefied gases (which would not exist as liquids at a temperature of 60°F and a pressure of 14.7 pounds per square inch absolute), or other motor fuel used in their operations within this State. Notwithstanding any other provisions of law, after (1) the refunds authorized by law and (2) administrative expenses authorized by law, one-seventh of the revenue derived from the tax hereby imposed shall be transferred to a special fund designated "The Primary and Secondary Highway Emergency Fund", one-half of which fund shall be allocated to the secondary system of highways as provided by law and one-half of which fund shall be allocated to the primary system of highways as provided by law. Provided, however, that cities and towns and any county having withdrawn its roads from the secondary system of State highways under the provisions of Section 11 of Chapter 415 of the Acts of 1932 shall receive their proportionate share of such special fund as is now provided by law with respect to other motor fuel tax receipts.*

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§ 58-629. Every motor carrier subject to the tax hereby imposed shall be entitled to a credit on such tax equivalent to * *seven* cents per gallon on all gasoline or other motor fuel purchased by such carrier within this State for use in its operations either within or without this State and upon which gasoline or other motor fuel the tax imposed by the laws of this State has been paid by such carrier. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the Commission shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, such excess may under regulations of the Commission be allowed as a credit on the tax for which such carrier would be otherwise liable for any of the four succeeding quarters; or upon application within one hundred and eighty days from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the Commission and supported by such evidence as may be satisfactory to the Commission, such excess may be refunded if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax, similar in effect to the tax herein provided, on the use or consumption in said state of gasoline or other motor fuel purchased in Virginia, to the extent of such payment to said other state, but in no case to exceed the rate of * *seven* cents per gallon.

The Commission shall not allow such refund except after an audit of the applicant's records and shall audit the records of an applicant at least once a year. Such refund may be allowed without a formal hearing if the amount thereof is agreed to by the applicant. Otherwise, a formal hearing on the application shall be held by the Commission after notice of not less than ten days to the applicant and the Attorney General. Whenever any refund is ordered it shall be paid out of the highway maintenance and construction fund.

§ 58-711. There is hereby levied a tax of * *seven* cents per gallon on all motor fuel which is sold and delivered or used in this State, including all motor fuel sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders and other similar agencies located on United States military or other reservations within the boundaries of the State, when such fuel is not for the exclusive use of the United States and is not under the protection of the interstate commerce clause of the Constitution of the United States; provided, that the tax herein imposed and assessed shall be collected by and paid to the State but once in respect to any motor fuel. Nothing herein shall be construed to exempt from this tax any dealer in motor fuel on the motor fuel used in making such distribution. The tax herein levied shall be collected in the manner hereinafter provided. *Notwithstanding any other provision of law, after (1) the refunds authorized by law, and (2) administrative expenses authorized by law, one-seventh of the revenue derived from the tax hereby imposed shall be transferred to a special fund designated "The Primary and Secondary Highway Emergency Fund", one-half of which fund shall be allocated to the secondary system of highways as provided by law and one-half of which fund shall be allocated to the primary system of highways as provided by law. Provided, however, that cities and towns and any county having withdrawn its roads from the secondary system of State highways under the provisions of Section 11 of Chapter 415 of the Acts of 1932 shall receive their proportionate share of such special fund as is now provided by law with respect to other motor fuel tax receipts.*

§ 58-715. Any person who shall buy, in quantities of five gallons

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or more at any one time, any motor fuel for the purpose of operating or propelling boats, ships, stationary gas engines, tractors used for agricultural purposes, buses owned and operated by a county or the school board thereof while being used to transport children to and from public schools, equipment of voluntary fire fighting companies within the State actually and necessarily used for fire fighting purposes, equipment of volunteer rescue squads within the State actually and necessarily used for rescue purposes, or motor equipment belonging to cities, towns and counties used exclusively in public activities and shall actually use the same for such purpose or who shall purchase and use any of such fuel for spraying purposes or for cleaning, dyeing or other commercial use, except in motor vehicles operated, or intended to be operated in whole or in part upon any of the public highways, streets or alleys of this State, on which motor fuel the tax or taxes imposed by this chapter shall have been paid, shall be reimbursed and repaid the amount of such tax or taxes paid by such person. Any resident of this State who operates a farm on any island outside the State but within one mile of its boundaries shall be reimbursed and repaid the amount of such tax or taxes paid by such person on motor fuel used for farming purposes on such island. And a refund of * *three* cents per gallon on all motor fuel purchased within the State and consumed in aeroplanes or aircraft in flights over and within the boundaries of this State shall be made and a refund of the full tax paid shall be made on all motor fuel purchased in this State and consumed in aeroplanes or aircraft in flights outside the boundaries of the State, the quantities consumed within and without the State to be determined by the flight logs of each trip and the average consumption of motor fuel per hour per month by each aeroplane or aircraft. If the applicant for refund includes with such application a statement that the fuel was used for agricultural purposes, and an authorization for the Commissioner of Motor Vehicles to direct payment to the Agricultural Research and Education Commission of an amount equal to one-**seventh* of the refund approved for payment, such payment shall be made and a refund of **six* cents per gallon on all such motor fuel shall be made to the person paying such tax. In the absence of such statement and authorization, the entire amount of the tax shall be made to the person paying such tax. On any island in this State on which no motor vehicle is operated upon any public highways, streets or alleys the refund provided for by this section may be made to the merchant selling such motor fuel to the consumer.

§ 58-730. After providing for the refunds under this chapter, the Commissioner shall promptly pay all taxes and fees collected by him under this chapter into the State treasury. The revenue derived from the tax levied as aforesaid is hereby appropriated for the construction, reconstruction or maintenance of the roads and projects comprising the State Highway System, Interstate System and Secondary System of State Highways and shall be applied to no other purpose, except that:

(1) There may be paid out of this fund as a contribution towards the construction, reconstruction or maintenance of streets in cities and towns such sums as may be provided by law,

(2) Such sums out of such funds may be expended for the operation and maintenance of the State Highway Department and the Division of Motor Vehicles as may be provided by law,

(3) The Governor is hereby authorized to transfer out of such fund an amount * *necessary* for the purpose of inspection of gasoline and motor grease measuring and distributing equipment, and for inspection and analysis of gasoline for purity,

(4) The Commissioner of the Division of Motor Vehicles shall

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also pay, at the rate of * *seven* cents a gallon, less refunds made in accordance with law, for each and every gallon of aviation fuel sold and delivered or used in this State into the treasury, as a special fund, to be disbursed upon order of the State Corporation Commission, on warrants of the Comptroller to defray the cost of the administration of the laws of this State relating to aviation and for the construction, maintenance and improvement of airports and landing fields to which the public now, or which it is proposed shall, have access, and for the promotion of aviation in the interest of operators and the public generally,

(5) Such sums shall be paid out of these funds to counties which have withdrawn from the secondary system of State Highways under the provisions of § 11 of chapter 415 of the Acts of 1932, approved March 31, 1932, and which have not elected to return, as may be provided by law, and

(6) The Commissioner of the Division of Motor Vehicles shall also pay at the rate of one cent per gallon for each and every gallon of motor fuel on which the refund has been paid at the rate of * *six* cents per gallon in accordance with the provisions of § 58-715 or § 58-719 relating to refunds for fuel consumed in tractors and unlicensed equipment used for agricultural purposes into the State treasury as a special fund known as the Agricultural Research and Education Fund to be disbursed upon the order of the Agricultural Research and Education Commission on warrants of the Comptroller to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at the Virginia Polytechnic Institute, the State Department of Agriculture and the Virginia Truck Experiment Station including reasonable expenses of the Agricultural Research and Education Commission.

§ 58-744. A tax at the rate of * *seven* cents per gallon is hereby imposed upon all fuel sold or delivered by any supplier to any licensed user-seller, or used by any such supplier in any motor vehicle owned, leased or operated by him, or delivered by such supplier directly into the fuel supply tank of a motor vehicle, or imported by a user-seller into, or acquired tax free by a user-seller or user in this State for resale or use for the propulsion of a motor vehicle.

Except that fuel sold to the United States or any of the governmental agencies thereof or to the State of Virginia or any political subdivision thereof shall not be subject to tax hereunder.

Notwithstanding any other provision of law, after (1) the refunds authorized by law, and (2) administrative expenses authorized by law, one-seventh of the revenue derived from the tax hereby imposed shall be transferred to a special fund designated "The Primary and Secondary Highway Emergency Fund", one-half of which fund shall be allocated to the secondary system of highways as provided by law and one-half of which fund shall be allocated to the primary system of highways as provided by law.

2. That the Code of Virginia be amended by adding thereto in Title 58 a chapter numbered 14.1, consisting of a new section numbered 58-757.1 as follows:

CHAPTER 14.1

Refunds of Certain Fuel Taxes to Urban and Suburban Bus Lines.

§ 58-757.1. Notwithstanding any other provisions of law, any person, firm or corporation who purchases motor fuel for consumption in motor vehicles used in operating urban or suburban bus lines in this State, upon which motor fuel taxes imposed by the laws of this State have been paid, shall be entitled to a refund of such motor fuel taxes in excess of six cents per gallon upon presentation to the Commissioner of an application for

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such refund setting forth the fact that such motor fuel was consumed in motor vehicles while being used in operating urban or suburban bus lines in this State, which are hereby defined as bus lines the majority of whose passengers use the buses for travelling a distance of not exceeding forty miles, measured one way, on the same day between their places of abode and their places of work, shopping areas or schools.

Any consumer entitled to such refund shall file with the Commissioner an application in writing duly signed by the applicant, accompanied by a paid ticket or invoice from the dealer or retailer showing such purchase. Such application shall set forth the total amount of such fuel so purchased and used by such consumer in operating urban or suburban bus lines upon any of the public highways, streets or alleys of this State, and how used. The Commissioner, upon the presentation of such application and such paid ticket, invoice or other document, shall pay to such consumer from the taxes collected on motor fuels a refund of such motor fuel taxes in excess of six cents per gallon paid on fuels sold, delivered and used as aforesaid. But the application for refund as provided herein must be filed with the Commissioner within three months from the date of the sale or invoice on forms prepared and furnished by the Commissioner.

Except as otherwise provided in this chapter, all provisions of law applicable to the refund of gasoline taxes and other motor fuel taxes by the Commissioner shall apply to the refunds authorized by this chapter. Provided, however, that cities and towns and any county having withdrawn its roads from the secondary system of State highways under the provisions of Section 11 of Chapter 415 of the Acts of 1932 shall receive their proportionate share of such special fund as is now provided by law with respect to other motor fuel tax receipts.

3. If any part, section, portion or provision of this act or the application thereof to any motor carrier or circumstance be held invalid by a court of final resort, such holding shall not affect any part, section, portion, provision or application of this act which can be given effect without the part, section, portion, provision or application so held invalid; and to this end, the parts, sections, portions, provisions and applications hereof are declared severable.

4. This act shall become effective July 1, 1960.

CHAPTER 604

An Act to amend and reenact §§ 51-111.10, 51-111.11, 51-111.16, 51-111.29, 51-111.34, 51-111.38, 51-111.38:3, 51-111.46, 51-111.47, 51-111.55, 51-111.56, 51-111.57, 51-111.58, 51-111.59, 51-111.62 and 51-111.63 of the Code of Virginia as severally amended, and to amend the Code of Virginia by adding in Chapter 3.2 of Title 51 an article numbered 4.2 and sections numbered 51-111.38:10, 51-111.38:11, 51-111.38:12, 51-111.38:13, 51-111.38:14, 51-111.38:15, 51-111.38:16, 51-111.41:1 and 51-111.58:1, the amended and new sections relating to definitions in the Virginia Supplemental Retirement Act, establishment of Retirement System, revocation of rights by General Assembly and rights on dissolution, local pension systems, procedure when employer in default, participation of certain employees of the Departments of the Army and Air Force, United States Property and Fiscal Office of Virginia, how certain members may obtain credit for prior service, member contributions, employer contributions, service retirement allowance and increase therein, disability retirement and conditions therefor, disability retirement allowance and deductions therefrom, withdrawal before death or retirement, and survivor

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benefits; and to amend the Code of Virginia by adding in Chapter 3.2 of Title 51 an article numbered 9 containing sections numbered 51-111.67:1 through 51-111.67:13, so as to provide survivor benefits for certain State and local employees and officers, and to this end to authorize the Board of Trustees of the Virginia Supplemental Retirement System to effect certain contracts of insurance upon the lives of certain officers and employees of the Commonwealth and of its political subdivisions; to authorize such officers and employees to join in and contribute to the cost of such insurance; to set forth the contributions which the Commonwealth and such political subdivisions, officers and employees, shall pay; to provide the terms under which such insurance may be effected and the amounts thereof; to provide for the continuation of such insurance under certain conditions; and to repeal certain acts and parts thereof inconsistent or in conflict with the provisions of this act.

[H 1]

Approved April 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 51-111.10, 51-111.11, 51-111.16, 51-111.29, 51-111.34, 51-111.38, 51-111.38:3, 51-111.46, 51-111.47, 51-111.55, 51-111.56, 51-111.57, 51-111.58, 51-111.59, 51-111.62 and 51-111.63 of the Code of Virginia as severally amended, be amended and reenacted and that the Code of Virginia be amended by adding in Chapter 3.2 of Title 51 an article numbered 4.2 and sections numbered 51-111.38:10, 51-111.38:11, 51-111.38:12, 51-111.38:13, 51-111.38:14, 51-111.38:15, 51-111.38:16, 51-111.41:1 and 51-111.58:1, the amended and new sections being as follows:

§ 51-111.10. As used in this chapter unless a different meaning is plainly required by the context:

(1) "Retirement system" means the Virginia Supplemental Retirement System provided for in § 51-111.11;

(2) "Board" means the board of trustees as provided by § 51-111.17;

(3) "Medical board" means the board of physicians as provided by § 51-111.26;

(4) "Teacher" means any person who is regularly employed on a salary basis as a professional or clerical employee of a county, city or other local public school board or of a corporation participating in the retirement system as provided by Article 4.1;

(5) "State employee" means any person who is regularly employed full time, on a salary basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, not oftener than semimonthly, in whole or in part, by the Commonwealth or any department, institution or agency thereof, except (a) an officer elected by popular vote or, with the exception of the Auditor of Public Accounts and the Director of the Division of Statutory Research and Drafting, by the General Assembly or either House thereof, (b) a * *judge of a county court,* county or city treasurer, commissioner of the revenue, Commonwealth's attorney, clerk, sheriff, sergeant or constable, and, *with the exception of employees of county courts,* a deputy or employee of any such officer, and (c) any employee of a political subdivision of the Commonwealth;

(6) "Employee" means any teacher, State employee, officer or employee of a locality participating in the retirement system as provided in Article 4, or any employee of a corporation participating in the retirement system as provided in Article 4.1 *or any civilian employee of the Army or Air National Guard participating in the retirement system as provided in Article 4.2;*

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(7) "Employer" means Commonwealth, in the case of a State employee, the local public school board in the case of a public school teacher, or the locality, or corporation *or Army or Air National Guard* participating in the retirement system as provided in Articles 4, 4.1 and *4.2;*

(8) "Member" means any person included in the membership of the retirement system as provided in this chapter;

(9) "Service" means service as an employee;

(10) "Prior service" means service as an employee rendered prior to the date of establishment of the retirement system for which credit is allowable under §§ 51-111.39 to 51-111.41:1, 51-111.63 and 51-111.64 or service as an employee for such periods as provided in §§ 51-111.32 and 51-111.38:11;

(11) "Membership service" means service as an employee rendered while a contributing member of the retirement system except as provided in §§ 51-111.45, 51-111.57, 51-111.63 and 51-111.64;

(12) "Creditable service" means prior service plus membership service for which credit is allowable under this chapter;

(13) "Beneficiary" means any person entitled to receive benefits under this chapter;

(14) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts and also any other amounts he shall have contributed or transferred thereto including interest credited thereon as provided in § 51-111.49;

(15) "Creditable compensation" means the full compensation payable to an employee working the full working time for his *covered* position which is in excess of twelve hundred dollars per annum, except when computing a disability retirement allowance in which event no exclusion shall apply; in cases where compensation includes maintenance or other perquisites, the Board shall fix the value of that part of the compensation not paid in money;

(16) "Average final compensation" means the average annual creditable compensation of a member during his five highest consecutive years of creditable service or during the entire period of his creditable service if less than five years; provided, that the retirement allowance of any person who retired under this chapter between March one, nineteen hundred fifty-two and June thirty, nineteen hundred fifty-four shall be recomputed in accordance with this section and such recomputation shall be applicable only to allowances payable on and after July one, nineteen hundred fifty-six;

(17) "Retirement allowance" means the retirement payments to which a member is entitled as provided in this chapter;

(18) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are adopted by the Board;

(19) "Normal retirement date" means a member's sixty-fifth birthday; and

(20) "Abolished system" means the Virginia Retirement Act, §§ 51-30 to 51-111, repealed by Chapter 1 of the Acts of Assembly of 1952 as of February one, nineteen hundred fifty-two.

§ 51-111.11. There is hereby established a retirement system for teachers, State employees and employees of participating * *political subdivisions and other qualifying employers* to be known as the "Virginia Supplemental Retirement System," by and in which name it shall, pursuant to the provisions of this chapter, transact all of its business, for which purpose it shall constitute a body corporate.

§ 51-111.16. (a) The General Assembly reserves the right to alter,

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amend or repeal any provision of this chapter or any application thereof to any person; provided, however, that the amount of benefits which at the time of any such alteration, amendment or repeal shall have accrued to the extent provided under subsection (c) of this section for the members or beneficiaries shall not be affected thereby.

(b) If the General Assembly repeals the provisions of this chapter, the Board shall continue to administer the retirement system in accordance with the provisions of this chapter for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits in accordance with subsection (a)(2) of § 51-111.60 who are designated by any of said members.

(c) In the event of repeal as provided in subsection (b) of this section the assets of the retirement system shall be allocated by the Board in an equitable manner to provide benefits for the persons stated in subsection (b) of this section in accordance with the provisions of this chapter but based on years of creditable service and average final compensation as of the date of repeal and in the following order:

(1) For the benefit of then members to the extent of their individual account in the members' * *contribution* account. If any funds remain, then

(2) For the benefit of then beneficiaries and persons already designated by former members who are then beneficiaries in accordance with subsection (a)(2) of § 51-111.60, to the extent of the then actuarial value of their retirement allowances. If any funds remain, then

(3) For the benefit of members, and persons, if any, designated by them in accordance with subsection (a)(2) of § 51-111.60, to the extent, not provided under (1) above, of the then actuarial value of their accrued future retirement allowances. The allocation under this paragraph (3) shall be on the basis of the oldest ages first method.

In the event the assets at such date of repeal are insufficient to provide all of the benefits of (1) and/or (2) above, then the employer will contribute to the assets from time to time, as and when required, the amount necessary to make up such insufficiency.

(d) The allocation of assets of the retirement system provided for in subsection (c) of this section shall be carried out through the payment by the Board of the benefits provided for in this section as they become due, or by the transfer of such assets to any retirement system replacing this retirement system provided that such vesting of benefits as provided by this section shall be fully maintained under such new retirement system. Any funds remaining in the assets of this retirement system after all of the vested benefits provided by this section have been paid shall revert to the general funds.

(e) Any allocation of assets made in accordance with the provisions of this section shall be final and binding on all persons entitled to benefits under said provisions.

§ 51-111.29. The membership of any person in the retirement system shall cease * *(a)* upon the withdrawal of his accumulated contributions, or * *(b)* upon retirement, or * *(c)* upon death.

§ 51-111.34. Should a majority of the members of any retirement pension or annuity fund, benevolent association, or retirement system of any employer, hereafter referred to as a local pension system, elect to become members of the retirement system, by a petition duly signed by such members, the participation of such members in the retirement system may be approved as provided in § 51-111.31 as though such local pension system were not in operation, and the provisions of this article shall thereupon apply, except that the existing pensioners or annuitants of the local pension system who were being paid pensions on the date of the approval shall be continued and paid at their existing rates by the retirement system *. Any cash and securities to the credit of the local pension system

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shall be transferred to the retirement system as of the date of approval. The trustees or other administrative head of the local pension system as of the date of the approval shall certify the proportion if any of the funds of the system that represents the accumulated contributions of the members, and the relative shares of the members as of that date. Such shares shall be credited to the respective accounts of such members in the * *members' contribution account.* The operation of the local pension system shall be discontinued as of the date of the approval.

§ 51-111.38. The agreement of any employer to contribute on account of its employees who become members shall be irrevocable, but should an employer for any reason become financially unable to make the * contributions payable on account of such members, then such employer shall be deemed to be in default. As of the date of such default, the actuary of the retirement system shall determine by actuarial valuation the amount of the reserves held on account of each then such member and each then beneficiary and shall credit to each such member and each such beneficiary the amount of reserve so held. The reserve so credited together with the amount of the accumulated contributions of each such member, shall be used to provide for him a retirement allowance beginning at age sixty-five, and the reserve so credited to each beneficiary shall be used to provide such part of his existing retirement allowance as such reserve is sufficient, which part shall thereafter be payable to him. Each such member shall at any time thereafter be entitled to discontinue membership in the retirement system and to a refund of his previous contributions upon demand. If any such member receives such a refund of contributions all rights to a retirement allowance commencing at age sixty-five shall thereupon cease. The rights and privileges of such members and such beneficiaries shall thereupon terminate, except as to the payment of the retirement allowance or parts thereof, or refunds of contributions provided for above.

§ 51-111.38:3. The employer contribution rate shall, unless otherwise fixed by the Board, be the * contribution rate determined as provided in § 51-111.47 for members of the retirement system qualifying under § 51-111.10(4). The contributions so computed shall be certified by the Board to the chief fiscal officer of the employer. The amounts so certified shall be a charge against the employer. The chief fiscal officer of each such employer shall pay to the State Treasurer the amount certified by the Board as payable under this article, including such charges as the Board may deem necessary to cover costs of administration, and the State Treasurer shall credit such amounts to the appropriate accounts of the retirement system.

Article 4.2

§ 51-111.38:10. (a) The Departments of the Army and Air Force, United States Property and Fiscal Office for Virginia, an employer, and the successor thereto, may, by resolution legally adopted and approved by the Board, elect to have its employees become eligible to participate in the retirement system. Acceptance of the employees of such an employer for membership in the retirement system shall be optional with the Board and if it shall approve their participation, then such employees may become members of the retirement system and participate therein as provided in the provisions of this article. Notwithstanding anything to the contrary, employees of such employer who are members of any retirement, pension or benefit fund partially or wholly supported by public funds shall not be entitled to become members of the retirement system on that part of their compensation covered by such fund, provided that this limitation shall not apply as to such employees covered by Old Age and Survivors Insurance under the Social Security System.

§ 51-111.38:11. Membership in the retirement system for employees who are eligible as provided in § 51-111.38:10 shall be optional with such

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employees in the service on the date the approval is given, and any such employee who elects to join the retirement system within one calendar year thereafter shall be entitled to a prior service certificate covering such periods of previous service as shall be certified as creditable service by his employer for service rendered to such employer, or his predecessor, or in any other capacity approved by the employer and the Board, for which the employer is willing to make accrued liability contributions. Thereafter service for such employer on account of which the employer and member pay contributions, shall be considered also as creditable service.

§ 51-111.38:12. Membership in the retirement system shall be compulsory for all employees who are eligible as provided in § 51-111.38:10 and who enter service of an employer after the date the approval is given.

§ 51-111.38:13. The chief fiscal officer of the employer, and the heads of its departments, shall submit to the Board such information and shall cause to be performed in respect to the employees of the employer such duties as shall be prescribed by the Board in order to carry out the provisions of this chapter.

§ 51-111.38:14. The actuary of the retirement system shall compute, at least once in each two-year period, the rates of contributions payable annually by the employer on behalf of those employees who become members under the provisions of this article, which shall be determined by an actuarial valuation of the retirement allowances and other benefits which will be payable on account of the employees of such employer who become members. Such contributions shall be payable in lieu of contributions payable on account of other members in the system. The expense of making such initial and subsequent valuations shall be assessed against and paid by the employer on whose account it is necessary. The contributions so computed together with a pro rata share of the cost of the administration of the retirement system, based upon proportionate total membership, shall be certified by the Board to the chief fiscal officer of the employer. The amounts so certified shall be a charge against the employer. The chief fiscal officer of each such employer shall pay to the State Treasurer the amount certified by the Board as payable under the provisions of this article, and the State Treasurer shall credit such amounts to the appropriate accounts of the retirement system.

§ 51-111.38:15. Employees who become members under this article and on behalf of whom contributions are paid as provided in this article shall be entitled to benefits under the retirement system.

Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any retirement allowances or other benefits on account of the members or beneficiaries of any employer under this article, for which reserves have not been previously created from funds contributed by such employer or the members for such benefits.

§ 51-111.38:16. The agreement of any employer to contribute on account of its employees who become members shall be irrevocable, but should an employer for any reason become financially unable to make the contributions payable on account of such members, then such employer shall be deemed to be in default. As of the date of such default, the actuary of the retirement system shall determine by actuarial valuation the amount of the reserves held on account of each then such member and each then beneficiary and shall credit to each such member and each such beneficiary the amount of reserve so held. The reserve so credited together with the amount of the accumulated contributions of each such member, shall be used to provide for him a retirement allowance beginning at age sixty-five, and the reserve so credited to each beneficiary shall be used to provide such part of his existing retirement allowance as such reserve is sufficient, which part shall thereafter be payable to him. Each such member shall at any time thereafter be entitled to discontinue membership in the retirement system and to a refund of his previous contributions upon demand. If any

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such member receives such a refund of contributions all rights to a retirement allowance commencing at age sixty-five shall thereupon cease. The rights and privileges of such members and such beneficiaries shall thereupon terminate, except as to the payment of the retirement allowance or parts thereof, or refunds of contributions provided for above.

§ 51-111.41:1. (a) Any State employee or teacher member of the retirement system may be credited with prior and/or membership service which might otherwise be credited, except for cessation of membership under § 51-49 of the abolished system and/or under § 51-111.29 of this chapter because of the withdrawal of his accumulated contributions, provided such member repays, while in service and a member of the retirement system, the amount, or amounts, so withdrawn, together with interest thereon at the rate of 3½% per annum compounded annually from the date such funds were last credited with interest by the Board to the first day of the month during which repayment is made. Four-sevenths of such interest payment, and the amount previously withdrawn and so repaid, shall be credited to the account of the member in the members' contribution account.

(b) Any State employee or teacher member of the retirement system who rejected membership in the abolished system may be credited with service during the period of rejection upon payment of contributions, based on the current contribution rate of the retirement system, on the assumption that the salary received by such person on the date of payment had been received during the entire such period, plus 3½% interest thereon compounded annually from the end of each respective fiscal year to which the contribution applies to the first day of the month during which payment is made. Four-sevenths of such interest payment, and the amount of contributions paid, shall be credited to the account of the member in the members' contribution account.

(c) In order for the additional service provided for in subsections (a) and (b) of this section to be considered in the computation of any retirement allowance payable in the event of a member's retirement under § 51-111.56, the member shall have submitted at the time payment or repayment is made, a medical report satisfactory to the Medical Board showing that the member was at such time of sound mind and body.

(d) An administrative charge of five dollars shall be paid by the member to the retirement system when requesting a cost estimate of the amount of such payment or repayment under sub-section (a) or (b) of this section.

(e) Any State employee or teacher member of the retirement system with full time salaried service as a State employee, or teacher, prior to July one, nineteen hundred forty-two and heretofore not credited therewith, shall be credited with such prior service, provided, since becoming a member of the retirement system, five or more years of membership service has been credited such member, and, provided further, the member's contributions were not withdrawn under § 51-111.68 of the Code of Virginia, and if withdrawn under either, or both § 51-109 of the abolished system, or § 51-111.58, of this chapter, have been repaid under subsection (a) of this section.

(f) Any State employee member elected to a covered position by a joint vote of the two Houses of the General Assembly of Virginia and which position was for a period excluded under the abolished system, may be credited with service during such period by paying the member contributions which would have been payable, except for the exclusion.

Article 6

Contributions.

§ 51-111.46. (a) Each member shall contribute for each pay

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period for which he receives compensation four *and one half* per centum of his creditable compensation.

(b) The Comptroller, in the case of all State employees paid by warrants on the State Treasurer, or, in the case of any other State employee, the department, institution or agency by which the salary is paid, or the employer in the case of teachers and other employees shall cause to be deducted from the salary of each member for each and every payroll period subsequent to the date of establishment of the retirement system, the contribution payable by such member as provided in this chapter, but in no case shall any deduction be made from the compensation of a member after his normal retirement date if such member elects not to contribute.

(c) In determining the creditable compensation of a member in a payroll period, whether semimonthly or monthly, the Board may consider the rate of compensation payable to such member on the date of entry or removal of name from payroll as having been received throughout the month if service for the month is creditable. If service for the month is not creditable, the Board may consider any compensation payable during the month as not being creditable compensation.

(d) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by this chapter.

(e) Notwithstanding any other provisions of this section, no deductions shall be made from any member's compensation if the employer's contribution required hereunder is in default.

(f) Any member who was a former member of the abolished system and who transferred his accumulated contributions to the retirement system as provided in § 51-111.41 and who has not withdrawn such contributions may at the time of filing his notice of retirement deposit in his account in the members' contribution account by a single payment such amount as will increase his total retirement allowance to an amount not greater than the largest amount obtainable under the applicable provisions of subsection (e) of § 51-111.55.

(g) The Board may modify the method of collecting the contributions of members so that the employers, departments, institutions and agencies required to remit to the State Treasurer as provided in subsection (b) of this section may retain the amounts deducted by them from members' salaries and have a corresponding amount deducted from State funds otherwise payable to them.

§ 51-111.47. (a) Each employer shall contribute annually an amount equal to * the "normal contribution". *The normal contribution shall be determined as a percentage equal to the normal contribution rate of the total covered compensation of the members employed by such employer* *.

(b) * The normal contribution *rate* shall be determined as *the percentage of the members' compensation* * payable during the members' periods of membership required to provide the difference between the total liabilities for retirement allowances not provided by the members' contributions and the amount of the assets in the retirement allowance account.

*

(d) * *The normal contribution rate for each employer* shall be determined on actuarial bases adopted by the Board. Such * *rates* shall be determined by the Board after each valuation and shall continue in force until a new valuation is made.

(e) The Board shall certify to the Comptroller, and to each employer

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contributor other than the State, the normal contribution * *rate* and every change made therein from time to time.

(f) The aggregate employer contributions payable into the retirement allowance account shall be at least sufficient, when combined with the *applicable* amount then held in the account, to provide the benefits payable from the account during the current year.

(g) At least thirty days prior to each regular session of the General Assembly, the Board shall certify to the Governor the respective amounts which will become due and payable to the retirement system from the State treasury during the biennium next following. The amounts so ascertained shall be included in the appropriation bill which is submitted to the General Assembly.

(h) In the case of all teachers whose compensation is paid exclusively out of funds derived from local revenues and appropriations from the general fund of the State treasury, and in the case of all State employees whose compensation is paid exclusively by the State out of the general fund of the State treasury, the State shall be the sole contributor, and all such contributions shall be paid out of the general fund. In the case of any teacher whose compensation is paid out of funds derived in whole or in part from any special fund, or from a contributor other than the State or some political subdivision thereof, then in any year there shall be paid out of the general fund only such proportion of the contributions on behalf of such employee as that part of such employee's compensation paid out of local revenues and funds derived from the general fund for that year bears to his total compensation for that year, and the remainder of such contributions shall be paid out of such special fund or by such other contributor in proportion to that part of the employee's compensation derived therefrom. In the case of a State employee whose compensation is paid in whole or in part out of any special fund, or by any contributor other than the State, then contributions on behalf of such employee in any year shall be paid out of such special fund, or by such other contributor, in proportion to that part of the employee's compensation derived therefrom for that year. The governing body of each county, city and town is hereby authorized to make such appropriations from the funds of such county, city or town as shall be necessary to pay its proportionate share of contributions on account of every State employee whose compensation is paid in part by such county, city or town.

§ 51-111.55. Subject to paragraph (h), upon service retirement a member shall receive an annual retirement allowance, payable monthly to him for life, which shall consist in the case of:

(a) Normal retirement.—An amount equal to one *and one-eighth* per centum of his average final compensation multiplied by his number of years of creditable service subject, however, to the provisions of subsections (c) and (d) of this section; *provided, that in the case of any member retired on or after March one, nineteen hundred fifty-two and prior to July one, nineteen hundred sixty, the per centum rate herein provided shall be applicable in respect of all retirement allowances payable on and after July one, nineteen hundred sixty.*

(b) Early retirement.—An amount which shall be determined in the same manner as for retirement at his normal retirement date with years of creditable service and average final compensation being determined as of the date of his actual retirement, and the amount of the retirement allowance so determined being reduced on an actuarial equivalent basis for the period that the actual retirement date precedes the normal retirement date subject, however, to the provisions of subsections (c) and (e) of this section.

(c) Normal or early retirement.—An amount additional to (a) or (b) above which shall be the actuarial equivalent, for his attained age at

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time of retirement, of the excess, if any, of his accumulated contributions transferred from the abolished system to the retirement system, including interest credited since such transfer to the date of retirement, over the amount obtained by accumulating at the rate of two per centum compounded annually, annual amounts equal to four per centum of his annual creditable compensation at the date of abolition of the Virginia Retirement System for a period equal to his period of membership in the abolished system and with interest credited at two per centum annually from the date of such transfer to the date of retirement.

(d) Normal retirement guarantee.—The retirement allowance payable upon normal retirement to a former member of the abolished system who transferred his accumulated contributions to the retirement system as provided in § 51-111.41 and who has not withdrawn such contributions prior to retirement, shall be at least an amount which when added to the primary social security benefits to which the member may become entitled under the Federal Social Security Act in effect at his retirement date, would equal the service retirement allowance to which the member would have been entitled under the provisions of the abolished system if he had continued contributions at the amount in effect at the date of abolition of the Virginia Retirement System.

(e) Early retirement guarantee.—The retirement allowance payable upon early retirement to a former member of the abolished system who transferred his accumulated contributions to the retirement system as provided in § 51-111.41 and who has not withdrawn such contributions prior to retirement shall not be less than the service retirement allowance determined in accordance with the provisions of the abolished system in the case of any member who would have qualified prior to his normal retirement date for such service retirement allowance if the Virginia Retirement System had not been abolished; provided, however, that the total retirement allowance payable in accordance with this subsection after any such member attains his sixty-fifth birthday shall be reduced by the amount of any primary social security benefits to which such member becomes entitled under the Federal Social Security Act then in effect, but the retirement allowance shall in no case be reduced below the amount that would be payable to such member except for the provisions of this subsection.

(f) Minimum service retirement allowance.—Anything in this section to the contrary notwithstanding the amount of annual retirement allowance as determined under subsection (a) or (e) of this section shall be at least an amount which when added to the primary social security benefits to which the member may become entitled under the Federal Social Security Act in effect at his retirement date would equal twenty dollars times the number of years of creditable service of the member subject to a maximum of six hundred dollars.

(g) Determination of retirement allowance.—For the purposes of this section the retirement allowance shall be determined on the assumption that the retirement allowance is payable to the member alone and that no optional retirement allowance is elected.

(h) Beneficiary serving in position covered by this chapter.—Should a beneficiary of a service retirement allowance under this chapter or the abolished system be at any time in service in a position covered under the provisions of this chapter, his retirement allowance shall cease while so employed.

§ 51-111.56. Any member in service who has * *ten* or more years of creditable service may, at any time before his normal retirement date, retire on account of disability upon written notification to the Board, made by the member or his employer, setting forth at what time the retirement is to become effective; provided that such effective date shall be after his last day of service but shall not be more than ninety days prior to the filing

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of such notice; *provided, however, that in the case of any member entering service on or after July one, nineteen hundred sixty, the creditable service requirement for disability retirement shall be fifteen years unless such member, within ninety days after commencement of service, has submitted a medical report satisfactory to the Medical Board showing that the member was at such time of sound mind and body, in which case the ten-year requirement shall apply;* provided further that the Medical Board, after a medical examination of * *the* member *requesting disability retirement,* shall certify that such member is, and has been continuously since such effective date if prior to the filing of such notice, mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent and that such member should be retired.

§ 51-111.57. Upon retirement as provided in § 51-111.56, a member shall receive an annual retirement allowance payable monthly during his lifetime and continued disability which shall consist in the case of:

(a) Any allowance payable prior to the member's normal retirement date.—An amount equal to one and one-quarter per centum of his average final compensation multiplied by his number of years of creditable service.

(b) Any allowance payable on or after the member's normal retirement date.—An amount equal to the service retirement allowance for normal retirement determined on the assumption that the member's creditable compensation on the date of disability retirement continued in the same amount up to his normal retirement date and on the assumption of years of creditable service up to his normal retirement date including in creditable service the period of disability retirement prior to normal retirement date.

(c) Disability retirement guarantee.—The disability retirement allowance payable on or after a member's normal retirement date to a former member of the abolished system who transferred his accumulated contributions to the retirement system and who has not withdrawn such contributions prior to such retirement, shall be at least an amount which, when added to the primary social security benefits to which the member may become entitled under the Federal Social Security Act in effect at his retirement date, would equal the disability retirement allowance to which the individual would have been entitled under the provisions of the abolished system. The provisions of subsection (d) of § 51-111.55 shall not be applicable in the determination of the benefits guaranteed under this paragraph.

(d) Minimum disability retirement allowance.—Anything in this section to the contrary notwithstanding the amount of annual retirement allowance as determined under this section shall be at least an amount which when added to the primary social security benefits to which the member may become entitled under the Federal Social Security Act in effect at his retirement date would equal * *one thousand dollars or twenty-five per centum of average final compensation whichever is larger,* provided further, effective July one, nineteen hundred * *sixty,* the minimum disability allowance herein provided shall be applicable in case of any member retired or retiring subsequent to March one, nineteen hundred fifty-two.

(e) Determination of retirement allowance.—For the purposes of this section the retirement allowance shall be determined on the assumption that the retirement allowance is payable to the member alone and that no optional retirement allowance is elected.

(f) Reduction of allowance by amount of payments under Workmen's Compensation Act.—Any allowance payable to a member under this section shall be reduced by the amount of any payments finally awarded under the Virginia Workmen's Compensation Act and the excess of the allowance, if any, shall be paid to such member. When the time for which payments of the compensation finally awarded under such act has elapsed, the member

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shall thereafter receive the full amount of such allowance payable monthly during his lifetime and continued disability.

§ 51-111.58. If a member has ceased to be an employee, otherwise than by death, or by retirement under the provisions of this chapter, he shall be paid, on demand, but not later than ninety days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received by him under any of the provisions of this chapter or the abolished system. *

§ *51-111.58:1. (a) Should a member die at any time before retirement, and before attaining his sixtieth birthday, the amount of his accumulated contributions, reduced by the amount of any retirement allowance previously received by him under this chapter or the abolished system, shall be paid to such person, if any, as he has nominated by written designation signed and acknowledged by such member before some person authorized to take acknowledgments and filed with the Board, otherwise to his executors or administrators. Any such designation may be changed by the member by the written designation of some other person, signed, acknowledged and filed as aforesaid.*

(b) Should a member die at any time before retirement and after attaining his sixtieth birthday, there shall be paid a retirement allowance to the first of the following listed persons, if any, alive at the death of the member: wife, husband, mother, father; such retirement allowance shall be continued during the lifetime of the first listed person qualifying therefor and shall be, (1) in the case of a member who dies prior to attaining his sixty-fifth birthday, an allowance equal to one-half of the decreased retirement allowance that would have been payable to the member had the member retired on the date of his death after having elected to have his allowance payable under the joint and last survivor option described in subsection (a)(2) of § 51-111.60 so that one-half thereof would be continued after his death to such first listed person; or, (2) in the case of a member who dies after attaining his sixty-fifth birthday, an allowance equal to the decreased retirement allowance that would have been payable to the member had the member retired on the date of his death after having elected to have his allowance payable under the joint and last survivor option described in subsection (a)(2) of § 51-111.60 so that the same amount would be continued after his death to such first listed person. Provided that, in any case qualifying under (1) or (2) of this subsection, in the determination of the allowance that would have been payable to the member had the member retired on the date of his death, the provisions of subsections (c), (d) and (e) of § 51-111.55 shall not apply; and provided further that if no such listed person survives the member, or if the first such listed person so qualifying so elects in writing under seal and duly acknowledged, the amount of the member's accumulated contributions, reduced by the amount of any retirement allowance previously received by him under this chapter or the abolished system, shall be paid to the person, if any, currently designated by the member to have received any benefits due under subsection (a) of this section upon the death of the member, or to the estate, if none be so designated in lieu of any other benefits under this subsection.

§ 51-111.59. If a member dies after the effective date of his retirement under this chapter, the excess, if any of his accumulated contributions as of the effective date of his retirement, over the total retirement allowances received by him shall be paid in the same manner as provided in * *subsection (a) of § 51-111.58:1* in the case of death before retirement unless the retirement allowance is then being paid in accordance with any of the options of § 51-111.60.

§ 51-111.62. Whenever * *a* beneficiary of a disability retirement allowance is prior to his normal retirement date engaged in, or is able to

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engage in, gainful occupation or work paying more than the difference between his disability retirement allowance and his average final compensation, the Board may reduce such retirement allowance to an amount which, together with the amount earnable by him equals the amount of his average final compensation. *The amount earnable by him under this chapter or the abolished system may be reduced by the amount of any medical expenses directly incurred by the beneficiary to reduce or eliminate the cause of disability.*

§ 51-111.63. (a) Should a beneficiary of a disability retirement allowance be at any time prior to his normal retirement date in service, his disability retirement allowance shall cease and he shall become a member of the retirement system and shall thereafter contribute. Any prior service certificate on the basis of which his disability retirement allowance was computed shall be restored and, in addition, he shall be credited with all his previous membership service which shall include the period of disability retirement. (b) The balance of any contributions of such beneficiary * *in excess* of the disability retirement allowances received by him shall be transferred from the retirement allowance account to the members' contribution account.

2. That the Code of Virginia be amended by adding in Chapter 3.2 of Title 51, an article numbered 9, containing sections numbered 51-111.67:1 through 51-111.67:13 as follows:

§ 51-111.67:1. The Board of Trustees of the Virginia Supplemental Retirement System, said Board of Trustees being hereinafter referred to as the Board, acting for and on behalf of the Commonwealth of Virginia, may and is hereby specifically authorized to purchase a contract or contracts of insurance with any life insurance company or companies incorporated or organized under the laws of and authorized to do business in this Commonwealth, with such reinsurance with a life insurance company or companies incorporated or organized under the laws of and authorized to do business in this Commonwealth as the Board may require, insuring elected and appointed officers and employees, hereinafter referred to as employees or individually as an employee, specified in § 51-111.67:2 who are eligible to participate in the group insurance authorized by this act, or any group or groups or class or classes thereof, including subsequently retired employees, under a policy or policies of group insurance providing life and accidental death and dismemberment insurance; and for such purposes the Board may agree to and pay from funds provided for such purpose the premiums or charges for carrying such contracts. Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for at least the first policy year, which charges shall have been determined by the Board to be on a basis consistent with the general level of such charges made by life insurance companies under policies of group life and accidental death and dismemberment insurance issued to large employers; in the event the Board at any time cannot on such a basis secure from any life insurance company incorporated or organized under the laws of Virginia the insurance herein provided for, then during the next succeeding two years the Board may secure such insurance from any life insurance company or companies authorized to do business in the Commonwealth.

§ 51-111.67:2. Elected and appointed employees who are eligible to participate in the group insurance provided for by this act are the following, provided if first employed or reemployed after the effective date of this act age sixty has not been attained:

(1) Teachers, meaning any persons regularly employed full time on a salary basis as professional or clerical employees of a county, city, or other local public school board;

(2) State employees, meaning any persons regularly employed full

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time on a salary basis whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable not oftener than semimonthly in whole or in part by, the Commonwealth or any department, division, institution, or agency thereof, except the following:

(a) Officers, other than the Governor and the Attorney General of the Commonwealth each of whom is eligible, elected by popular vote;

(b) County treasurers, city treasurers, commissioners of the revenue, Commonwealth's attorneys, clerks, sheriffs, sergeants, and constables, and deputies and employees of any such officer; and

(c) Employees of a political subdivision of the Commonwealth.

(3) Employees of a political subdivision participating in the Virginia Supplemental Retirement System as provided in Article 4, Chapter 3.2 of Title 51 of the Code of Virginia, and any act amendatory thereof or replacing such statute; provided that any such subdivision may, at any time prior to the effective date of the first group insurance authorized under this act, decline to participate therein, in which event the employees of such political subdivision shall not be deemed eligible for insurance under this act; provided, further, that any such political subdivision so declining to participate therein may, at any time during the two year period next succeeding the effective date of such first group insurance, elect to participate therein, in which event employees of such political subdivision shall thereafter become eligible to participate in such group insurance; on and after the expiration of the two year period next succeeding the effective date of such first group insurance, the election of any political subdivision so declining to participate therein to thereafter participate shall be subject to the approval of the Board and the employees of such political subdivision shall become eligible to participate in such group insurance on and after the date of such approval by the Board.

§ 51-111.67:3. Any department, division, institution or agency of the Commonwealth and any county, city or town, and any political entity, subdivision, branch or unit of the Commonwealth and any commission or public authority or body corporate created by or under an act of the General Assembly, which has group life insurance with any insurance company or nonprofit association may continue such group life insurance, but shall not, while such group life insurance is in effect, participate in the group insurance otherwise provided for in this act; provided, however, that upon discontinuance of such other group life insurance and within the two year period next succeeding the effective date of the first group insurance authorized by this act, any such department, division, institution or agency of the Commonwealth and any county, city or town, and any political entity, subdivision, branch or unit of the Commonwealth and any commission or public authority or body corporate created by or under an act of the General Assembly, may elect to participate in the group insurance authorized under this act, in which event the employees thereof shall thereafter become eligible to participate in such group insurance; on and after the expiration of the two year period next succeeding the effective date of the first group insurance authorized by this act and upon discontinuance of such other group life insurance, the election of any such department, division, institution or agency of the Commonwealth and any county, city or town, and any political entity, subdivision, branch or unit of the Commonwealth and any commission or public authority or body corporate created by or under an act of the General Assembly to participate in the group insurance authorized by this act shall be subject to the approval of the Board, and the employees thereof shall become eligible to participate in such group insurance on and after the date of such approval by the Board.

§ 51-111.67:4. (a) Each employee to whom this act applies shall,

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subject to the terms and conditions thereof, be eligible to be insured for an amount of group life insurance plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

If annual compensation is—

I Greater than—	*II* But not greater than—	*III* The amount of group life insurance shall be—	*IV* The maximum amount of group accidental death and dismemberment insurance shall be—
0	*$1,000*	*$1,000*	*$1,000*
$1,000	*2,000*	*2,000*	*2,000*
2,000	*3,000*	*3,000*	*3,000*
3,000	*4,000*	*4,000*	*4,000*
4,000	*5,000*	*5,000*	*5,000*
5,000	*6,000*	*6,000*	*6,000*
6,000	*7,000*	*7,000*	*7,000*
7,000	*8,000*	*8,000*	*8,000*
8,000	*9,000*	*9,000*	*9,000*
9,000	*10,000*	*10,000*	*10,000*
10,000	*11,000*	*11,000*	*11,000*
11,000	*12,000*	*12,000*	*12,000*
12,000	*13,000*	*13,000*	*13,000*
13,000	*14,000*	*14,000*	*14,000*
14,000	*15,000*	*15,000*	*15,000*
15,000	*16,000*	*16,000*	*16,000*
16,000	*17,000*	*17,000*	*17,000*
17,000	*18,000*	*18,000*	*18,000*
18,000	*19,000*	*19,000*	*19,000*
19,000	*20,000*	*20,000*	*20,000*
20,000	*21,000*	*21,000*	*21,000*
21,000	*22,000*	*22,000*	*22,000*
22,000	*23,000*	*23,000*	*23,000*
23,000	*24,000*	*24,000*	*24,000*
24,000	*25,000*	*25,000*	*25,000*
25,000	.....	*26,000*	*26,000*

With respect to any employee who is reemployed and insured in accordance with the provisions of this act, the foregoing otherwise applicable amount of group life insurance shall be reduced by the amount of insurance provided by any policy of insurance issued under the conversion privilege of any policy issued pursuant to the provisions of this act.

Subject to the conditions and limitations of the policy or policies purchased by the Board under this act, the group accidental death and dismemberment insurance shall provide payments as follows:

Loss	*Amount Payable*
For loss of life	*Full amount shown in Column IV of schedule shown in this section*
Loss of one hand or of one foot or loss of sight of one eye	*One-half of the amount shown in Column IV of schedule shown in this section*
Loss of two or more such members	*Full amount shown in Column IV of schedule shown in this section*

For any one accident the aggregate amount of group accidental death and dismemberment insurance that may be paid shall not exceed the maximum amount of group accidental death and dismemberment insurance shown in Column IV of the schedule in paragraph (a) of this section.

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(b) The amounts of life and accidental death and dismemberment insurance on employees who remain employed after age sixty-five shall be reduced by two per centum thereof at the end of each full calendar month following the date the employee attains age sixty-five; but such reduction shall not decrease the amount of insurance on an employee to less than twenty-five per centum of the insurance in force immediately preceding the first reduction therein; provided, that the amounts of life and accidental death and dismemberment insurance in force from time to time on an employee who becomes insured under this act after having attained the age of sixty-five shall be the same as would be in force had he been insured at age sixty-five and shall be based on the lesser of his annual compensation (1) at the time he becomes so insured, or (2) at age sixty-five provided he was eligible at that time to be insured under this act.

(c) The amount of life insurance on each employee who retires (for service or because of disability) on an immediate annuity shall be reduced by two per centum of the amount of insurance in force at such employee's age sixty-five, or other lesser age if so retired prior to age sixty-five, at the end of each full calendar month following the date the employee attains age sixty-five or other lesser age if so retired prior to age sixty-five; but such reduction shall not decrease the amount of life insurance on an employee to less than twenty-five per centum of the insurance in force immediately preceding the first reduction therein; provided, that the amounts of life insurance in force from time to time on an employee who becomes insured under this act after having attained the age of sixty-five and later so retires shall be the same as would be in force had he been insured and so retired at age sixty-five and shall be based on the lesser of his annual compensation (1) at the time he becomes so insured, or (2) at age sixty-five provided he was eligible at that time to be insured under this act; provided that the Board may, in the case of a disabled retirant who returns to service in a position covered by this act, provide for the insuring of such person for an amount and in the same manner as if then originally employed but the insurance applicable to such person shall be deemed to have been issued as of the time such person was first insured under the group insurance provided for in this act.

(d) All accidental death and dismemberment insurance on an employee shall cease upon his separation from service or twelve months (two months in the case of any employee on leave of absence for military, naval or air service) after discontinuance of his salary payments or upon his retirement, whichever is earliest.

(e) Except in case of service or disability retirement, all life insurance on an employee shall cease upon his separation from service or twelve months (two months in the case of any employee on leave of absence for military, naval or air service) after discontinuance of his salary payments, whichever first occurs, subject to a temporary extension of such life insurance for not more than thirty-one days and to the right of the employee to convert, without evidence of insurability and within such thirty-one days after such separation from service or end of such twelve months after discontinuance of his salary payments, whichever first occurs, and upon payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, his life insurance into a policy of life insurance without disability or other supplementary benefits in any one of the forms then customarily issued by the insuring company, except term insurance, in an amount equal to the amount of his life insurance under such group insurance policy at the time of such separation or discontinuance, whichever first occurs.

§ 51-111.67:5. Each employee so insured shall contribute to the cost of such life insurance and accidental death and dismemberment insurance

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an amount to be determined by the Board but not to exceed the sum of seventy cents per month per each thousand dollars of such employee's life insurance; provided, however, that employees retired for service or disability and employees in service who have attained age sixty-five shall not be required to contribute to the cost of their life insurance.

§ 51-111.67:6. Notwithstanding any statute, law, regulation or rule presently in force, during any period in which an employed employee is insured under a policy of insurance purchased under the authority of this act, the Comptroller, in the case of all State officers and employees paid by warrants on the State Treasurer, and, in the case of any other State employee, the department, division, institution or agency by which the salary is paid, and the employer in the case of teachers and other employees, shall, except as otherwise provided in § 51-111.67:5 of this act, cause to be deducted from the salary of each employee for each and every payroll period subsequent to the effective date of such insurance, an amount determined by the Board, but not to exceed the rate of seventy cents per month per each thousand dollars of his group life insurance; provided, that an employee who is paid on other than a monthly basis shall have an amount so deducted, determined at a proportionate rate, which rate shall be adjusted to the nearest cent. All amounts so deducted shall be retained in or paid into the Treasury of Virginia to the credit of the Board and shall be available to the Board for the purpose of carrying out the provisions of this act.

Any policy of insurance purchased under the authority of this act shall provide that all employees eligible under the terms of this act will be automatically insured thereunder commencing on the date they first become so eligible; provided, that any employee desiring not to be so insured shall, on an appropriate form to be prescribed by the Board, give written notice to his employing office that he desires not to be insured. If such notice is received before the employee shall have become insured under such policy, he shall not be so insured; if it is received after he shall have become insured, his insurance under the policy will cease effective with the end of the pay period during which the notice is received by the employing office. Any such employee so notifying his employing office that he desires not to be insured may thereafter become insured only upon presentation at his own expense of evidence of insurability satisfactory to the insuring company.

§ 51-111.67:7. Each policy purchased by the Board pursuant to the provisions of this act shall provide for an accounting to the Board not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Board, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total amount of all mortality and other claim charges incurred for that period, and (3) the amounts of the insurer's expenses and risk charges for such period. Any excess, or portion of such excess, of the total of item (1) over the sum of items (2) and (3) may, with the approval of the Board, be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Board as being consistent with the rates generally used by such company for similar funds held under other group life insurance policies; provided, that if and when the Board determines that such special contingency reserve has attained an amount estimated by it to make satisfactory provision for adverse fluctuations in future charges under the policy any further such excess shall inure to the benefit of the Commonwealth and other employers participating in the insurance as determined by the Board.

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§ 51-111.67:8. The insurance herein provided for and all proceeds therefrom shall be exempt from levy, garnishment and other legal process.

§ 51-111.67:9. Employers under this act other than the Commonwealth shall pay to the Board acting for the Commonwealth the percentage of the premiums, charges, or portions thereof not paid for by employee contributions. Employees paid from special funds shall have their employer contributions paid from such funds.

§ 51-111.67:10. Any amount of group life insurance and group accidental death and dismemberment insurance in force on any employee at the date of his death shall be paid, upon the establishment of a valid claim therefor, to the beneficiary or beneficiaries designated by the officer or employee under the provisions of the Virginia Supplemental Retirement System or other retirement system administered by the Board, unless the employee shall have designated and filed with the Board, on a form prepared by the Board, a different beneficiary or beneficiaries of his group life and accidental death and dismemberment insurance under the provisions of this act. In event no such beneficiary or beneficiaries have been so provided for or designated by any employee, then such proceeds shall be paid to the person or persons surviving at the date of his death, in the following order of precedence:

First, to the widow or widower of such employee;

Second, if none of the above, to the child or children of such employee and descendants of deceased children, per stirpes;

Third, if none of the above, to the parents of such employee or the survivor of them;

Fourth, if none of the above, to the duly appointed executor or administrator of the estate of such employee;

Fifth, if none of the above, to other next of kin of such employee entitled under the laws of domicile of such employee at the time of his death.

§ 51-111.67:11. The insurance provided by this act and the withholdings and contributions for that purpose shall become effective when directed by the Board.

§ 51-111.67:12. Each employer, whose employees are insured under the provisions of this act, shall keep such records and from time to time shall furnish such information as the Board shall require in the discharge of its duties under this act.

§ 51-111.67:13. The Board is authorized to promulgate such regulations as may be necessary and proper to give effect to the intent, purposes and provisions of this act.

3. The provisions of this act shall be severable. It shall be conclusively presumed that in the event any provision shall be held to be unconstitutional the General Assembly would have enacted the remainder of this act without such invalid or unconstitutional clause, paragraph, subsection or section.

4. All laws inconsistent or in conflict with the provisions of this act are hereby repealed to the extent of such inconsistency or conflict. Provisions of general law limiting or restricting groups or classes of employees eligible for group insurance and the amount of contributions which may be paid by employees for group insurance are specifically repealed as to any policy or policies effected under the provisions of this act.

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CHAPTER 605

An Act for the relief of James M. Settle.

[H 99]

Approved April 1, 1960

Whereas, James M. Settle was clerk of the Circuit Court of Rappahannock County on November fourteen and fifteen, nineteen hundred fifty-nine; and

Whereas, the Clerk's office of the Circuit Court of Rappahannock County was broken into and the sum of seven hundred eighteen dollars and nineteen cents was stolen from the safe therein on one of the above stated dates in the nighttime; and

Whereas, every court clerk is responsible for the funds held by him in an official capacity regardless of whether such funds may have been stolen; and

Whereas, James M. Settle has obtained from private sources, the sum of six hundred ninety-six dollars and ninety-five cents, and replaced the funds stolen as above stated and made a proper accounting therefor; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. There is hereby appropriated from the general fund of the State treasury the sum of six hundred ninety-six dollars and ninety-five cents to be paid to James M. Settle on warrant of the Comptroller drawn on the State Treasurer in payment of the loss which James M. Settle has sustained upon proof of such loss.

CHAPTER 606

An Act to amend and reenact § 15-8, as amended, of the Code of Virginia, relating to powers of boards of supervisors.

[H 394]

Approved April 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That § 15-8, as amended, of the Code of Virginia, be amended and reenacted as follows:

§ 15-8. In addition to the powers conferred by other sections, the board of supervisors of every county shall have power:

(1) To adopt quarantine regulations affecting both persons and animals in furtherance of the protection of the health of the county and not inconsistent with general statutes.

(2) To adopt the necessary regulations to prevent the spread of contagious diseases among persons or animals.

(3) To provide against and prevent the pollution of water in their respective counties whereby it is rendered dangerous to the health or lives of persons residing in the county.

(4) To prevent trespassing by persons, animals and fowls; and to prevent animals from trespassing and running at large upon the public highways, whether such highways be enclosed by fence or not.

(5) To adopt such measures as they may deem expedient to secure and promote the health, safety and general welfare of the inhabitants of their respective counties, not inconsistent with the general laws of this State.

(6) To prescribe building lines in villages and unincorporated towns and the types of buildings that may be erected therein.

(7) To prohibit minors who are not attended by their parents from

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frequenting or being in public places whether or not on private property after such hours of the night as the governing body deems proper.

(8) To prohibit loitering in, upon or around any public place whether or not on private property.

(9) To require any ambulance, when responding to any emergency call in the county in which first aid for any person may be required, to be staffed, in addition to any other personnel, with a doctor of medicine or a graduate nurse or an attendant holding a valid first-aid card or certificate of the advanced type issued by the American Red Cross or the United States Bureau of Mines.

For carrying into effect these and their other powers, the boards of supervisors may make ordinances and by-laws and prescribe fines and other punishment for violations thereof which shall be enforced by proceedings before a judge of the county court in like manner and with like right of appeal as if such violations were misdemeanors. Such fines, however, shall in no case exceed three hundred dollars and if imprisonment in the county jail be prescribed in any case such imprisonment shall not exceed thirty days.

The object of each such ordinance shall be expressed in its title.

No such ordinance or by-law shall be passed until after notice of an intention to propose the same for passage shall have been published once a week for two successive weeks prior to its passage in some newspaper published in the county, and if there be none such, in some newspaper published in an adjoining county or a nearby city and having a general circulation in the county, and no such ordinance or by-law shall become effective until after it shall have been published in full, *or by its title and an informative summary of such ordinance*, once a week for two successive weeks in a like newspaper. *If such publication is by title and informative summary the publication shall include a statement that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county.*

The above provisions of this section shall apply to ordinances other than those hereinafter set forth. No county governing body shall adopt or amend any ordinance imposing a county capitation tax, county motor vehicle license tax, county license tax on professions or businesses, including wholesale merchants, or county tax on amusements, except under the conditions hereinafter set forth, and any such ordinance adopted without compliance with such conditions shall be void and of no effect:

(a) Any such ordinance may only be introduced at a regular meeting of the board and may not be adopted prior to the second regular meeting following introduction and only then if not less than sixty days have elapsed between introduction and adoption;

(b) The proposed ordinance shall be published once a week for four successive weeks in a newspaper published in the county, or if there be none such, in a newspaper having general circulation in the county; and

(c) The proposed ordinance shall be posted at the front door of the county courthouse and at each post office in the county.

The boards of supervisors may prescribe fines and other punishment for violations of ordinances imposing such county taxes, which shall be enforced by proceedings before a judge of the county court in like manner and with like right of appeal as if such violations were misdemeanors. Such fines, however, shall in no case exceed three hundred dollars and if imprisonment in the county jail be prescribed in any case such imprisonment shall not exceed thirty days.

The procedure prescribed in this section shall not apply to any county which may adopt ordinances under § 15-10 and any county which may act under that section may adopt any other ordinance in the manner prescribed in § 15-10.

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CHAPTER 607

An Act to amend the Code of Virginia by adding a section numbered 4-112.2, to provide for the issuance of certain identification cards to persons entitled to purchase certain beverages and to provide for the cost thereof, to provide for the signing of statements by nonresidents to induce licensees of the Virginia Alcoholic Beverage Control Board to sell certain beverages, to provide for the keeping of such statements, and to provide penalties for false representations.

[H 419]

Approved April 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 4-112.2, as follows:

§ 4-112.2. (a) Upon application of any person who is a resident of this State, who is eighteen years of age or older but not more than twenty-five years of age, and who is a person to whom beverages may lawfully be sold, the clerk of the circuit court of the county or of the corporation or circuit court, as the case may be, of the city wherein such person resides, shall cause a certificate to be issued to such person for the purpose of identification in connection with the purchase of beverages by such person. The application shall be in such form as may be prescribed by the Virginia Alcoholic Beverage Control Board and shall be accompanied by a photograph of the applicant. Every such certificate shall be in such form as may be prescribed by the Virginia Alcoholic Beverage Control Board and shall contain the name, address, weight, sex, race, height, color of eyes, date of birth, place of birth and signature, together with a photograph of the person to whom it is to be issued. With every such application there shall be paid to the clerk of the court a fee of one dollar and fifty cents.

The failure of a person to present a certificate issued pursuant to this section upon demand of an employee of a retail establishment licensed by the Board who has reason to believe such person is less than eighteen years of age shall be cause for the refusal by such an employee to sell beverages to such person.

(b) A person who is not a resident of this State but who is a person to whom beverages may lawfully be sold and whose age has been questioned by an employee of a retail establishment licensed by the Board in the connection with the purchase of a beverage may execute a statement and sign same on the following form in the presence of two competent witnesses who are twenty-one years of age or older and are not employed in a retail establishment licensed by the Board:

Statement of Age

....., 19.....

I, ..., hereby represent to.....
(Licensee)

that I am.....years of age having been born on....., 19.....
(Date of birth)

at....., ...
(Place of birth)

I represent further that this statement is made to induce the licensee named above to sell or otherwise furnish a beverage to the undersigned and I understand that I am subject to the punishment provided by law for any false representation made herein.

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In the Presence of

(Signature)	(Signature)
(Address)	(Address)
(Signature)	
(Address)	

The foregoing statement shall be printed upon a card three inches by five inches in size to be furnished by the vendor of beverages who shall file same with other such statements at or before the close of business on the day on which the statement was executed in a file box containing a suitable alphabetical index and each such card shall be kept available for a period of one year from the date of issuance for inspection by law enforcement officers and agents of the Board at all times during business hours.

Any statement submitted in accordance with the foregoing shall be admissible in any proceeding commenced against a vendor of beverages alleging the unlawful sale of beverages to the person who has executed such statement.

(c) Any person convicted of falsely representing any material fact in applying to the Board for a certificate as provided for in subsection (a) of this section or in executing a statement as provided for in subsection (b) of this section shall be guilty of a misdemeanor.

CHAPTER 608

An Act to amend the Code of Virginia by adding a section numbered 4-73.1, to provide for the issuance of certain identification cards to persons entitled to purchase alcoholic beverages and to provide for the cost thereof, to provide for the signing of statements by nonresidents to induce licensees of the Virginia Alcoholic Beverage Control Board to sell alcoholic beverages, to provide for the keeping of such statements, to provide penalties for false representations, and to provide for exclusions from the operation of the section.

[H 427]

Approved April 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia be amended by adding a section numbered 4-73.1, which is as follows:

§ 4-73.1. (a) Upon application of any person who is a resident of this State, who is twenty-one years of age or older but not more than twenty-five years of age, and who is a person to whom alcoholic beverages may lawfully be sold, the clerk of the circuit court of the county or of the corporation or circuit court, as the case may be, of the city, wherein such purpose of identification in connection with the purchase of alcoholic bev- person resides shall cause a certificate to be issued to such person for the erages by such person. The application shall be in such form as may be prescribed by the Virginia Alcoholic Beverage Control Board and shall be accompanied by a photograph of the applicant. Every such certificate shall be in such form as may be prescribed by the Virginia Alcoholic Beverage Control Board and shall contain the name, address, weight, sex, race, height, color of eyes, date of birth, place of birth and signature, together with a photograph of the person to whom it is to be issued. With every such application there shall be paid to the clerk of the court a fee of one dollar and fifty cents.

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The failure of a person to present a certificate issued pursuant to this section upon demand of an employee of a government store or of a retail establishment licensed by the Board who has reason to believe such person is less than twenty-one years of age shall be cause for the refusal by such an employee to sell an alcoholic beverage to such person.

(b) A person who is not a resident of this State but who is a person to whom alcoholic beverages may lawfully be sold and whose age has been questioned by an employee of a retail establishment licensed by the Board in the connection with the purchase of an alcoholic beverage may execute a statement and sign same on the following form in the presence of two competent witnesses who are twenty-one years of age or older and are not employed in a retail establishment licensed by the Board;

Statement of Age

..... 19 .....

I, ...hereby represent to .....
(Licensee)

that I am ..... years of age having been born on ....., 19.....
(Date of birth)

at ....

I represent further that this statement is made to induce the licensee named above to sell or otherwise furnish an alcoholic beverage to the undersigned and I understand that I am subject to the punishment provided by law for any false representation made herein.

In the presence of

.....	.....
Signature	Signature
.....	.....
Address	Address
.....	
Signature	
.....	
Address	

The foregoing statement shall be printed upon a card three inches by five inches in size to be furnished by the vendor of alcoholic beverages who shall file same with other such statements at or before the close of business on the day on which the statement was executed in a file box containing a suitable alphabetical index and each such card shall be kept available for a period of one year from the date of issuance for inspection by law enforcement officers and agents of the Board at all times during business hours.

Any statement submitted in accordance with the foregoing shall be admissible in any proceeding commenced against a vendor of alcoholic beverages alleging the unlawful sale of an alcoholic beverage to the person who has executed such statement.

(c) Any person convicted of falsely representing any material fact in applying for a certificate as provided for in subsection (a) of this section or in executing a statement as provided for in subsection (b) of this section shall be punished as is provided in § 4-92.

(d) The provisions of this section shall not apply to sales of alcoholic beverages made pursuant to the provisions of §§ 4-48, 4-49, 4-50, and 4-85.

CHAPTER 609

An Act to amend and reenact §§ 58-101 and 58-121 of the Code of

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Virginia, relating to individual income taxes, and taxes upon income from trusts and estates.

[H 666]

Approved April 1, 1960

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-101 and 58-121 of the Code of Virginia be amended and reenacted as follows:

§ 58-101. A tax is hereby annually levied for each taxable year upon every resident individual of this State, upon and with respect to his entire net income as herein defined for purposes of taxation, at rates as follows:

Two per centum of the amount of such net income not exceeding three thousand dollars;

Three per centum of the amount of such net income in excess of three thousand dollars, but not in excess of five thousand dollars; and

Five per centum of the amount of such net income in excess of five thousand dollars.

A like tax is hereby annually levied for each taxable year at the rates specified in this section upon and with respect to the entire net income as herein defined for purposes of taxation, except as herein provided, from all property owned and from every business, trade, profession or occupation carried on in this State by natural persons not residents of the State. But a nonresident individual receiving income from labor performed, business done or property located in this State and income from labor performed, business done or property located outside of this State shall be taxable only upon the amount of income received by such taxpayer from labor performed, business done or property located within this State. The remainder of the income received by him shall be deemed nontaxable by this State. *Nonresidents shall be taxed on income from estates and trusts only as provided in § 58-121.*

The taxes levied by this chapter shall be assessed, collected and paid as provided by law.

This section shall be in force for the taxable year nineteen hundred * *sixty-two* and for every taxable year thereafter, until otherwise provided by law.

§ 58-121. In the case of all income of the character described in paragraphs (4) and (5) of § 58-118, other than such income as is mentioned in the preceding section, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary his distributive share, whether distributed or not, of the net income of the estate or trust for the taxable year, or if his net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net income of the estate or trust for any accounting period of such estate or trust ending within the fiscal or calendar year upon the basis of which such beneficiary's net income is computed. In such cases the income of a beneficiary, not a resident, derived through such estate or trust, shall * *not be subject to taxation, except to the extent that such income is derived from real estate or tangible personal property located in this State, or from the operation of an unincorporated business or trade carried on in this State. In computing the tax payable by such nonresident beneficiary on income derived from real estate or tangible personal property located in this State, or from an unincorporated business or trade carried on in this State, the credits provided by § 58-104 shall be allowed.*

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CHAPTER 610

An Act to appropriate the public revenue for the two years ending respectively on the thirtieth day of June, 1961, and the thirtieth day of June, 1962.

[H 20]

Approved April 1, 1960

Be it enacted by the General Assembly of Virginia:

§ 1. That the following are hereby appropriated, for the current biennium, as set forth in the succeeding sections and items for the purposes stated and for the years indicated:

a. The balances of appropriations made by previous acts of the General Assembly which are unexpended at the close of business on the last day of the previous biennium, except as continued by Section 43 of this act; and,

b. The public taxes and arrears of taxes, as well as the revenue and money derived from all other sources, which shall come into the State treasury prior to the close of business on the last day of the current biennium.

Such balances, public taxes, arrears of taxes, revenues, and money derived from all other sources as are not segregated by law to special funds shall establish and constitute the general fund of the State treasury. Except where otherwise provided in this act, the sums appropriated are appropriated from the general fund of the State treasury. All special funds shall be segregated as provided in this act, and special funds which are not otherwise segregated by this act shall be segregated in accordance with the acts respectively establishing such funds.

§ 2. When used in this act the term "current biennium" means the period from the first day of July, nineteen hundred and sixty, through the thirtieth day of June, nineteen hundred and sixty-two, inclusive, and the term "previous biennium" means the period from the first day of July, nineteen hundred and fifty-eight, through the thirtieth day of June, nineteen hundred and sixty, inclusive.

BIENNIUM 1960-1962

§ 3. For Recurring Maintenance and Operation Items as herein specified.

LEGISLATIVE DEPARTMENT

GENERAL ASSEMBLY OF VIRGINIA

Item 1	First Year	Second Year
For legislating for the State, a sum sufficient, estimated at	$ 160,900	$ 541,100
Out of this appropriation shall be paid the salaries of members, clerks, assistant clerks, officers, pages and employees; the mileage of members, officers and employees, including salaries and mileage of members of legislative committees sitting during recess; public printing and related expenses required by or for the General Assembly, in accordance with § 2-224 of the Code of Virginia; and the incidental expenses of the General Assembly.		

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	First Year	Second Year

Out of this appropriation shall be paid the State contribution to the Clerks of the State Senate and House of Delegates Retirement Fund, including amounts due for previous years, and retirement pay of beneficiaries of the Fund if necessary, in accordance with law, a sum sufficient, estimated at $15,000 the first year and $10,000 the second year.

Out of this appropriation the following salaries shall be paid:

Clerk of the House of Delegates	$12,000
Index Clerk, Deputy and Secretary to the Clerk of House of Delegates	6,000
Proofreader, House of Delegates	4,000
Clerk of the Senate	10,000
Senate Index Clerk, not exceeding	6,000
Secretary to the Clerk of the Senate	6,000

It is further provided that out of this appropriation there is hereby appropriated for payment of expenses of the Lieutenant-Governor, $3,000 each year, to be paid in equal monthly installments of $250 each.

It is further provided that out of this appropriation there is hereby appropriated the total sum of $5,000 for the study of registration laws as provided by S. J. R. 52.

AUDITING COMMITTEE OF THE GENERAL ASSEMBLY

Item 2			
For auditing public accounts	$ 585	$	585

DIVISION OF STATUTORY RESEARCH AND DRAFTING

Item 3			
For assistance in preparing legislation	$ 50,200	$	63,900

Out of this appropriation the following salary shall be paid:

Director	$13,500

VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Item 4			
For study and advice on legislative matters	$ 27,470	$	31,675

Out of this appropriation shall be paid the per diem and expenses of the Council, salaries of secretary and other employees, and other expenses incident to studies.

It is further provided that there is hereby imposed on the Director, Division of Statutory Research and Drafting the additional duty of secretary to the Virginia Advisory Legislative Council for which additional duty the Director shall be paid annually out of this appropriation the sum of $1,000 each year.

VIRGINIA CODE COMMISSION

Item 5			
For carrying out the duties prescribed by §§ 9-66 through 9-68, inclusive, of the Code of Virginia, pertaining to the codification and printing of acts of the General Assembly in code form	$ 2,500	$	18,400

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VIRGINIA COMMISSION ON INTERSTATE COOPERATION

	First Year	Second Year
Item 6		
For promoting interstate cooperation	$ 19,000	$ 19,000

COMMISSION ON VETERANS' AFFAIRS

Item 7		
For making investigations and recommendations concerning appropriate legislation for the benefit of Virginia war veterans and their dependents	$ 500	$ 500
Total for Legislative Department of the Government	$ 261,155	$ 675,160

JUDICIAL DEPARTMENT

SUPREME COURT OF APPEALS

Item 8

For adjudication of legal cases ..... $ 239,835 $ 244,335

Out of this appropriation the following salaries and wages shall be paid:

Chief Justice $20,000
Associate Justices (6), each at 18,500

It is further provided that out of this appropriation shall be paid the traveling and other expenses of the Justices of the Supreme Court of Appeals, one thousand five hundred dollars for each Justice, which sum shall be in lieu of mileage.

Item 9

For printing records of litigation, a sum sufficient, estimated at ..... $ 40,000 $ 40,000

Item 10

For maintenance of law library ..... $ 30,150 $ 30,150

Item 11

For office of executive secretary to the Supreme Court of Appeals, the salaries of such employees to be fixed by the Supreme Court; provided that the salary of such executive secretary shall not exceed the amount allowed by law to a judge of a trial court of record ..... $ 22,340 $ 22,780

Total for the Supreme Court of Appeals ..... $ 332,325 $ 337,265

CIRCUIT COURTS

Item 12

For adjudication of legal cases ..... $ 711,600 $ 711,600

Out of this appropriation shall be paid the following salaries only:

Judges (49), each at $13,500
Additional salaries ..... $ 1,000

Compensation to sheriffs, sergeants and their deputies for attendance upon the circuit courts, as authorized by § 14-85 of the Code of Virginia ..... $ 3,000

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CORPORATION AND HUSTINGS COURTS

	First Year	Second Year
Item 13		
For adjudication of legal cases	$ 231,620	$ 231,620
Out of this appropriation shall be paid the following salaries only:		
Judges (17), each at $13,500		
Judge of the Corporation Court, city of Winchester 1,120		
Clerk at Richmond 1,000		

CITY COURTS

Item 14		
For adjudication of legal cases	$ 102,500	$ 102,500
Out of this appropriation shall be paid the following salaries and wages only:		
Judges (7), each at $13,500		
Compensation to sheriffs, sergeants and their deputies, for attendance upon city courts, as authorized by § 14-85 of the Code of Virginia 8,000		

RETIREMENT OF JUSTICES AND JUDGES

Item 15

For expenses of retired Justices and Judges when recalled to active duty, in accordance with law, a sum sufficient.

Item 16

For the State contribution to the Judges and Commissioners Retirement Fund and to the Trial Justices Retirement Fund, the amounts required by law including amounts due for previous years, a sum sufficient, estimated at $ 100,000

VIRGINIA STATE BAR

Item 17

For administration of the integrated bar act, to be paid only out of revenues collected and paid into the State treasury in accordance with the provisions of said act and not out of the general fund of the State treasury $46,300 for the first year and $47,000 the second year.

JUDICIAL COUNCIL

Item 18

For the expenses of the Judicial Council authorized by §§ 17-222 to 17-227, inclusive, of the Code of Virginia, and for the expenses of the Judicial Conference $ 5,200 $ 5,200

DEPARTMENT OF LAW

Attorney General

Item 19

For providing legal services for the State $ 204,700 $ 219,700

Out of this appropriation the following salary shall be paid:

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	First Year	Second Year
Attorney General $18,000		
It is provided that all attorneys authorized by this act to be employed by any department or agency, and all attorneys compensated out of any monies appropriated by this session of the General Assembly, shall be appointed by the Attorney General and be in all respects subject to the provisions of §§ 2-85 to 2-93, inclusive, §§ 2-94 to 2-97, inclusive, and § 14-14 of the Code of Virginia.		
Item 20		
For legal assistance to localities, or in any case or matter where the Attorney General is directed by law or requested by the Governor to intervene, prosecute or defend, a sum sufficient, estimated at	$ 50,000	$ 50,000
Total for the Attorney General	$ 254,700	$ 269,700
Division of Motion Picture Censorship		
Item 21		
For examining and licensing motion picture films publicly exhibited in Virginia	$ 57,750	$ 58,800
Division of War Veterans' Claims		
Item 22		
For preparation and prosecution of claims against the United States Veterans' Administration and other agencies on behalf of war veterans and their dependents and the surviving dependents of deceased war veterans, in accordance with the provisions of § 2-93.1 of the Code of Virginia	$ 238,225	$ 241,225
Commissioners for the Promotion of Uniformity of Legislation in the United States		
Item 23		
For promoting uniformity of legislation	$ 1,250	$ 1,250
Total for the Department of Law	$ 551,925	$ 570,975
Total for the Judicial Department	$ 2,035,170	$ 1,959,160

EXECUTIVE DEPARTMENT

GOVERNOR

Item 24		
For executive control of the State	$ 97,335	$ 102,035
Out of this appropriation the following salary shall be paid:		
Governor $20,000		
It is provided, however, that on and after the beginning of the term of the Governor of Virginia taking office in January, 1962, the salary of the Governor shall be $25,000 per annum.		
Item 25		
For a discretionary fund, to be expended by the Governor for such objects or purposes, including reorganization studies of State agencies, as the Governor, in his discretion, may deem proper to meet any contingencies or conditions which may arise from time to time	$ 130,000	$ 130,000

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	First Year	Second Year
Item 26		
To be expended by the Governor pursuant to the provisions of § 15-891.3 of the Code of Virginia for regional planning commissions heretofore established	$ 25,000	$ 25,000
Item 27		
For payment of Virginia's quota of the expenses of administrative services and operations of the Board of Control for Southern Regional Education	$ 28,000	$ 28,000
Item 28		
For operation and maintenance of the Governor's Mansion	$ 31,845	$ 32,275
Item 29		
For keeping records of executive department and registrations required by law	$ 27,365	$ 27,865
Out of this appropriation the following salary shall be paid:		
Secretary of the Commonwealth and ex-officio secretary to the Governor $10,000		
Item 30		
For carrying out the purposes of, and subject to the conditions stated in, Chapter 22, Acts of Assembly of 1950, which authorizes the Governor to take certain steps in event of a coal production emergency, there is hereby appropriated from the general fund of the State treasury a sum sufficient.		
Total for the Governor	$ 339,545	$ 345,175
State Board of Elections		
Item 31		
For supervising and coordinating the conduct of elections	$ 47,000	$ 46,600
Out of this appropriation shall be paid the following salary:		
Secretary $10,000		
STATE AND LOCAL DEFENSE		
Item 32		
For promotion and coordination of State and local civil defense activities	$ 63,825	$ 64,125
Item 33		
For the purchase of civil defense supplies, materials and equipment for State and local civil defense organizations, subject to such fund-matching requirements as may be approved by the Governor	$ 65,000	$ 62,000
Item 34		
For civil defense activities, only in the event a declaration of emergency due to war, grave State or national peril or serious State or national disaster is proclaimed by the Governor, there is hereby appropriated from all funds of the State treasury not constitutionally restricted, a sum sufficient.		
It is hereby provided that this appropriation shall be expended on warrants of the Comptroller, issued upon vouchers signed by the Governor, or by such other person or persons as may be designated by him for the purpose.		
Total for State and Local Defense	$ 128,825	$ 126,125

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DIVISION OF THE BUDGET

	First Year	Second Year
Item 35		
For preparation and administration of the executive budget	$ 94,425	$ 126,805
Out of this appropriation the following salary shall be paid: Director $16,000		
Item 36		
For institutional engineering	$ 185,585	$ 188,495
Item 37		
For maintaining records of State property and insurance	$ 18,435	$ 18,740
Item 38		
For maintenance and operation of buildings and grounds	$ 800,000	$ 800,000
It is hereby provided that no part of this appropriation for maintenance and operation of buildings and grounds shall be used to furnish floor coverings, electric fans or other office equipment to any State officer, department, board, institution or other State agency.		
Item 39		
For maintaining central accounting records	$ 51,000	$ 52,150
Item 40		
For operation of a central telephone system, to be paid solely from the pro rata share of the costs for operating such system charged to the State departments and agencies in Richmond served by the system, a sum sufficient.		
Total for the Division of the Budget	$ 1,149,445	$ 1,186,190

DIVISION OF PERSONNEL

Item 41		
For administration of the Virginia Personnel Act	$ 119,480	$ 124,27[illegible]
Out of this appropriation the following salary shall be paid: Director $12,500		
Item 42		
For administration of the Merit System Council, to be paid only out of funds to be transferred to the Merit System Council as provided herein from the appropriations made in this act to the Virginia Employment Commission, the Department of Welfare and Institutions, the State Board of Health, the State Hospital Board, and the Virginia Commission for the Visually Handicapped $38,775 the first year, and $40,130 the second year.		
On the first day of July in each year of the current biennium, the Comptroller shall transfer to the Merit System Council from the appropriations for the agencies named above amounts equal to the respective net charges made for services rendered to them by the Merit System Council during the preceding fiscal year. At the close of each fiscal year the Comptroller shall adjust such transfers, if necessary, in accordance with the value of the services rendered to each such agency during the year as stated to the Comptroller by the Director of Personnel.		

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VIRGINIA SUPPLEMENTAL RETIREMENT SYSTEM

	First Year	Second Year

As used in this Act, the term "Social Security" has reference to the Federal Insurance Contributions Act with respect to contributions and to the Federal Old-Age and Survivors Insurance System with respect to employee benefits.

Item 43

For expenses of administration of the Board of Trustees of the Virginia Supplemental Retirement System ..... $ 105,100 $ 105,900

Item 44

For the expenses of administration of Items 51, 52, 53, and 376c, as it relates to group insurance, the Governor is hereby authorized to transfer from such items to Item 43 a sum sufficient, not to exceed $15,000 per year.

Item 45

For the State employer's Social Security payment, on behalf of State employees excepting those paid from special funds, to the Contribution Fund, pursuant to Chapter 3.1, Title 51, Code of Virginia, a sum sufficient, estimated at ..... $ 2,236,990 $ 2,439,240

Item 46

For the State's pro rata share of the employer contributions on behalf of local special employees: to the retirement allowance account as provided by Chapter 3.2, Title 51, and § 51-111.36(b) of the Code of Virginia; and, as reimbursements to each political subdivision having a local retirement system as provided by § 51-114.2 of the Code of Virginia; a sum sufficient, estimated at ..... $ 150,000 $ 200,000

Item 47

For reimbursement to each political subdivision the pro rata share of the actual employer's Social Security payments made by it, on behalf of local special employees, to the Contribution Fund, pursuant to Chapter 3.1, Title 51, Code of Virginia; such pro rata share shall bear the same relationship to the total employer's payment for such special employees as the State's share of the special employee salaries, or the State's share of any excess fees from the special employee's office, bears or would bear to the total of such salaries or excess fees, respectively, a sum sufficient, estimated at ..... $ 186,795 $ 202,735

Item 48

In the event any political subdivision required pursuant to Chapters 3.1 and 3.2, Title 51, and § 51-111.36(b) Code of Virginia, and by any agreement pursuant to the cited act, to make payments to the Contribution Fund, fails to make such payments as are duly prescribed, either from its local employees or on behalf of its employer's contribution, the Board of Trustees of the Virginia Supplemental Retirement System shall inform the Comptroller of the delinquent amount and political subdivision. The Comptroller shall forthwith transfer such amount to the Contribution Fund from any non-earmarked monies otherwise distributable to such subdivision by any department or agency of the State; provided that if the

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	First Year	Second Year
Comptroller reports to the Board of Trustees that, by law, no such amounts are distributable to a specified political subdivision, the Board shall require such subdivision to post bond or securities in an amount sufficient to protect the State against loss from failure by such subdivision to pay any amounts required under the act providing Social Security coverage.		
Item 49		
To provide for the payment of increased retirement compensation to certain retired State employees and beneficiaries thereof, in accordance with the provisions of §§ 51-111.69 and 51-111.70, Code of Virginia, there is hereby appropriated out of the general fund of the treasury to Trust Fund B, established by § 51-111.68, Code of Virginia	$ 18,315	$ 17,780
Item 50		
For the State contribution, on behalf of State employees excepting those paid from special funds, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia	$ 2,188,840	$ 2,417,090
Item 50a		
The provisions of House Bill 134 contained in Items 51, 52, 53 and 376e were enacted as amendments to House Bill 1.		
Item 51		
For the State contribution on behalf of state employees, excepting those paid from special funds, who participate in group insurance under the provisions of House Bill 134 as enacted by the General Assembly of 1960, a sum sufficient, estimated at	$ 93,160	$ 103,450
Item 52		
For reimbursement to each local political subdivision the State's pro rata share of the employer's contribution on behalf of local special employees who participate in group insurance under the provisions of House Bill 134 as enacted by the General Assembly of 1960, a sum sufficient, estimated at	$ 10,000	$ 10,000
It is provided that such pro rata share shall bear the same relationship to the total employer's payment for such special employees as the State's share of the special employees salaries, or the State's share of any excess fees from the special employee's office, bears or would bear to the total sum of such salaries or excess fees, respectively.		
Item 53		
On the first day of July in each year of the current biennium, the Comptroller shall transfer, from each special fund in the State treasury out of which any State employees are paid, to the retirement allowance account provided in Chapter 3.2, Title 51, Code of Virginia, and to the Contribution Fund as provided in Chapter 3.1, Title 51, Code of Virginia, and to the retirement allowance account as provided for State Police Officers by Chapter 5, Title 51, Code of Virginia, such amount as shall be estimated to have accrued and to accrue on account of salaries and wages for the quarter preceding and the three quarters following. As soon after July 1, 1960, as estimates or revised estimates of requirements are available, the Comptroller shall transfer from each special fund in the State		

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	First Year	Second Year
treasury out of which any State employees are paid, to the group insurance account established pursuant to House Bill 134 as enacted by the General Assembly of 1960 such amount as shall be estimated to accrue on account of policies purchased and effective during the succeeding four quarters; on the first day of July, 1961, the transfer shall be based upon the quarter preceding and the three quarters following. At the close of each fiscal year the Comptroller shall adjust such transfers, if necessary, for each special fund in accord with actual accruals for retirement and Social Security purposes, during the four quarters concerned. The estimate of accruals and the subsequent report of actual accruals shall be supplied by the Board of Trustees of the Virginia Supplemental Retirement System to the Comptroller and shall be used by him in making the transfers required by this item.		
Item 54		
In the event specific appropriations to State agencies made in this act from special funds are insufficient to provide for the transfers required under Item 53 above, the Governor is hereby authorized to increase such appropriations by the additional amount needed for such transfer; such appropriations may be increased by transfers from the balance in special funds or by transfers from the special funds out of which the agency appropriations are paid.		
Item 55		
For payment to the Secretary of the Treasury of the United States to the credit of such account as may be designated in accordance with the agreement entered into under Chapter 3.1, Title 51, Code of Virginia, for the purposes stated in the cited act, and in such amounts as may be specified pursuant to the cited agreement, there is hereby appropriated from the Contribution Fund established by the cited act, a sum sufficient.		
Total for Virginia Supplemental Retirement System	$ 4,989,200	$ 5,496,195
COMMISSION ON CONSTITUTIONAL GOVERNMENT		
Item 56		
For the development and promulgation of information concerning the dual system of government, Federal and State, established under the Constitution of the United States and those of the several states, and for such related duties as may be prescribed by law	$ 125,000	$ 125,000
COMMISSION ON THE AGING		
Item 57		
For studying the economic and physical condition of the aging	$ 25,000	$ 25,000
Out of this appropriation the following salary shall be paid: Chairman $8,500		
ART COMMISSION		
Item 58		
For appraising works of art and structures	$ 1,000	$ 1,000

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AUDITOR OF PUBLIC ACCOUNTS

Item 59	First Year	Second Year
For auditing the accounts of the State and local governments units	$ 539,975	$ 548,075
Out of this appropriation the following salary shall be paid:		
Auditor of Public Accounts $14,000		
The appropriation in this item of a specific amount for the examination of the accounts of local governmental units shall not be construed as prohibiting the examination or audit, by the Auditor of Public Accounts, of the books or records of any county, city or other political subdivision, or any officer or agency thereof, of this State, the cost of which audit or examination, is required by existing laws to be borne by the said county, city or other political subdivision.		

STATE COMMISSION ON LOCAL DEBT

Item 60		
For aiding localities in the flotation of new bonded debt	$ 11,125	$ 11,125

DEPARTMENT OF THE TREASURY

Item 61		
For the custody and disbursement of State money	$ 163,225	$ 165,525
Out of this appropriation the following salary shall be paid:		
State Treasurer $12,500		
It is provided that out of this appropriation shall be paid the premiums on the official bonds of the State Treasurer and employees of the Department of the Treasury, and the premiums on insurance policies on vault in the Department of the Treasury and on messenger insurance policy.		

TREASURY BOARD

Item 62		
For payment to secretary designated by Governor	$ 1,000	$ 1,000
Item 63		
For payment of interest on the State debt	$ 265,410	$ 254,835
Item 64		
For providing sinking fund for redemption of Riddleberger bonds, Century bonds and general fund bonded indebtedness	$ 599,590	$ 610,165
Total for Treasury Board	$ 866,000	$ 866,000

DEPARTMENT OF ACCOUNTS

Item 65		
For auditing and recording the financial transactions of the State	$ 356,700	$ 350,700
Out of this appropriation the following salary shall be paid:		
Comptroller $13,500		
Out of this appropriation shall be paid the costs of the official bonds of the Comptroller; and the costs of the surety bonds of the employees in the Department of Accounts, in accordance with the provisions of §§ 2-7 and 2-8 of the Code of Virginia.		

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	First Year	Second Year
Item 66		
For collecting old claims, and for adjustment of State litigation, a sum sufficient, estimated at	$ 5,000	$ 5,000
Out of this appropriation shall be paid the costs of civil prosecution in civil cases, expenses and commissions in collecting old debts.		
Item 67		
For support of lunatics in jails and in charge of private persons, a sum sufficient, estimated at	$ 16,000	$ 16,000
Item 68		
For payment of pensions, funeral expenses, relief of Confederate women and administrative expenses related thereto	$ 325,000	$ 315,000

Out of this appropriation each pensioner in the several classes now on the pension roster, or hereafter placed on the pension roster, under the regular pension act (as continued in effect by § 51-1 of the Code of Virginia) approved March 26, 1928, Chapter 465, as amended March 24, 1930, and March 30, 1934, and subsequent acts appropriating the public revenue, shall be paid as follows: to Confederate veterans, $1,200 a year; to each widow of a Confederate soldier, sailor or marine, $600 a year; and for the funeral expenses of each deceased pensioner, to be paid to the personal representative of such deceased pensioner or, without qualification of a personal representative, to the undertaker, upon submission to the Comptroller of certificates and affidavits required by law, $100; provided, however, that the said allowance for the funeral expenses of each Confederate veteran who was on the pension roster at the time of his death shall be $1,000; provided, further, that under the provisions of this act any person who actually accompanied a soldier in the service and remained faithful and loyal as the body servant of such soldier, or who served as cook, hostler or teamster, or who worked on breastworks under any command of the army and thereby rendered service to the Confederacy, shall be entitled to receive an annual pension of $240, proof of service to be prescribed by the Comptroller; provided that to each widow of a Confederate soldier as above set out who is now or who may become an inmate of an institution receiving support from the State and who was married prior to October 1, 1880, and has not remarried, shall be paid the sum of $25.00 per month; and to each such widow who was married on or after October 1, 1880, and prior to January 1, 1921, and who has not remarried; and to each such widow who married on or after January 1, 1921, who is over 75 years of age and who has not remarried, shall be paid the sum of $20.00 per month.

Any unexpended portion of this appropriation shall revert to the general fund of the State treasury, and no part thereof shall be prorated among pensioners.

It is further provided that out of the appropriation for public printing, the Director of the Department of Purchases and Supply shall supply all forms and have done and pay for all printing, binding, ruling, etc., required by the Comptroller in pension matters and in connection with the payment of pensions. The Comptroller shall pay monthly at such dates as he may prescribe the pensions authorized by this act.

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	First Year	Second Year

It is further provided that out of this appropriation there shall be expended for relief of needy Confederate women of Virginia, including daughters of Confederate soldiers who are now widows, born not later than December 31, 1889, who are not upon the State pension roster, in accordance with the provisions of the act approved March 10, 1914 (Acts of Assembly, 1914, Chapter 56, page 81); provided that each such needy Confederate woman shall receive $90.00 per year, not exceeding $130,000 each year.

It is further provided that out of this appropriation, there shall be expended for care of needy Confederate women who are inmates of the Home for Needy Confederate Women at Richmond, in accordance with the provisions of the act approved March 4, 1914 (Acts of Assembly, 1914, Chapter 40, page 60) ..... $87,000 each year.

It is provided, however, that no part of this appropriation shall be available for expenditure until satisfactory evidence of compliance with the following conditions has been presented the Auditor of Public Accounts:

(1) Copies of all current and future applications for admission to the Home have been or will be filed with the Auditor of Public Accounts. (2) Proof that admissions to the Home are being made as far as practicable on the basis of first come first served, provided that where the governing board of the Home deviates from the policy of first come first served the reasons therefor shall be filed with the Auditor of Public Accounts, it being understood that such board shall have the right to deviate from such policy in cases which are considered by the board to be of dire necessity or distress. (3) Upon the admission of any guest to the Home the Auditor of Public Accounts shall be informed thereof and also as to the length of time which the application has been pending; and whether it has been given priority over other applications. (4) Copies of the rules of admission have been filed with the Auditor of Public Accounts. (5) No part of this appropriation shall be available directly or indirectly for the care or maintenance of any person who is not a member of the class for which the Home was originally established.

The governing body of the Home may refuse to admit anyone sick of an incurable disease or who is bedridden or who is an addict to narcotics or to the use of intoxicating liquors or who is mentally affected to the extent of materially affecting the comfort of the other inmates.

Item 69

For assessing property for taxation and collecting and distributing records of assessments, a sum sufficient, estimated as	$ 1,907,000	$ 1,907,000

Out of this appropriation shall be paid compensation and expenses of office of city and county commissioners of the revenue, as authorized by § 14-77 of the Code of Virginia, after certification by the chairman of the Compensation Board to the State

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	First Year	Second Year
Comptroller of the amounts of the salaries and expense allowances of such officers fixed and ascertained by said board, and commissions to examiners of records, the postal and express charges on land and property, books, etc.		
Item 70		
For collecting State taxes, a sum sufficient, estimated at	$ 2,003,600	$ 2,003,600
Out of this appropriation shall be paid to county and city treasurers the compensation and expenses of office authorized by § 14-77 of the Code of Virginia, but only after certification by the chairman of the Compensation Board to the State Comptroller of the amounts of the salaries, if any, and expense allowances of such officers, fixed and ascertained by said Board; and to county and city clerks of courts, the commissions to which they are entitled by law for the collection of State taxes.		
Item 71		
For premiums on official bonds of county and city treasurers, as required by § 15-480 of the Code of Virginia, a sum sufficient, estimated at	$ 20,000	$ 40,000
Item 72		
For reissue of old warrants, previously charged off, a sum sufficient, estimated at	$ 20,000	$ 20,000
Item 73		
For per diem and expenses of presidential electors	$ 600	
Item 74		
For criminal charges, a sum sufficient, estimated at	$ 6,935,200	$ 6,935,200
Out of this appropriation shall be paid the costs incident to the arrest and prosecution of persons charged with the violation of State laws, including salaries of attorneys for the Commonwealth, as provided by § 14-77 of the Code of Virginia, expenses of juries, witnesses, etc., but where a witness attends in two or more cases on the same day, only one fee shall be allowed such witness; the transportation costs of children committed to the State Board of Welfare and Institutions, and compensation at the rate of nine dollars a day to each agent of the State Board of Welfare and Institutions for each day such agent is engaged in transporting children committed to the Board to homes, institutions, training schools or other locations; the necessary traveling expenses incurred by these agents in carrying out their duties as agents of the Board; and the transportation cost of the State Prison Farm for Defective Misdemeanants, as provided by law, cost of maintenance in local jails of persons charged with violation of State laws, including food, clothing, medicine, medical attention, guarding, etc.; provided, however, that all jail physicians be paid at the rate provided by law, but not more than five hundred dollars per calendar year shall be paid the jail physician or physicians for any city or county, the population of which is less than 100,000, and not more than one thousand dollars per calendar year shall be paid the jail physician or physicians of any city or county, the population of which is 100,000 or over, and coroners' fees, etc., said compensation for jail physician to be paid at the end		

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	First Year	Second Year

of the calendar year; provided, however, that in case of death or resignation his compensation shall be prorated on the basis of time of service bears to the full calendar year. Provided, no deduction or cut shall be made in reimbursing any city sergeant or sheriff the actual cost of supplies purchased by him under authority of law, and provided, further, that no salaries, fees or expenses shall be paid to any officers out of this appropriation in cases where the Compensation Board is required to fix and ascertain same or any part thereof, until after certification by the chairman of the Compensation Board to the State Comptroller of the amounts of the salaries, if any, and expense allowances of such officers, fixed and ascertained by said Board.

Out of this appropriation shall be paid the State's share of the salaries and expenses of sheriffs and sergeants and their deputies in accordance with law.

It is further provided that out of this appropriation shall be paid the expenses necessarily incurred on official business by judges of circuit, city, and corporation and hustings courts, for postage, stationery, and clerk hire, not exceeding $300 a year for each judge.

Out of this appropriation shall be paid not exceeding $234,600 the first year and $243,000 the second year of the biennium for reimbursing counties and cities under the provisions of § 16.1-150 of the Code of Virginia; provided that no part of this appropriation shall be paid to any county or city which expends in any year following the fiscal year ending June 30, 1958, less than it spent in such fiscal year for the purposes for which reimbursement is provided and authorized.

Out of this appropriation shall be paid the State's share of expenditures made by a county for secretarial and stenographic assistance to probation officers as provided for by § 16.1-206.1 of the Code of Virginia.

Out of this appropriation shall be paid the State's share of the cost of construction, maintenance and operation of detention homes charged on counties and cities and the cost of maintenance of children in other homes as provided for by § 16.1-201 and § 16.1-202 of the Code of Virginia.

Out of this appropriation shall be paid in quarterly installments to each member of the committee of Circuit Judges the sum of $1,000 for each year of the current biennium and in addition thereto the actual expenses of the members of such committee as provided by § 14-50 of the Code of Virginia.

It is provided, however, that no part of this appropriation shall be used for the payment of criminal charges incident to prisoners employed on the State Convict Road Force or at the State Industrial Farm for Women, or at the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants.

Item 75

For apportionment to counties which have withdrawn from the provisions of Article 4, as amended, of Chapter 1 of Title 33 of the Code of Virginia, of the proceeds of the motor vehicle fuel tax to which such counties are entitled by law, a sum sufficient.

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	First Year	Second Year
Item 76		
For payment to counties and cities of their distributive share of the proceeds of the tax levied upon certain alcoholic beverages by § 4-24 of the Code of Virginia, **a sum sufficient.**		
Item 77		
There is hereby appropriated to the cities, incorporated towns, and counties of the State two-thirds of the net profits derived under the provisions of § 4-22 of the Code of Virginia, in excess of seven hundred fifty thousand dollars, each city, incorporated town, and county to receive an amount apportioned on the basis of their respective populations according to the last preceding United States census. It is intended that this item shall provide for the payment to cities, incorporated towns, and counties of only so much of the amounts they would normally receive under the provision of § 4-22 of the Code of Virginia, as is embraced in the distribution of two-thirds of the said net profits, in excess of seven hundred fifty thousand dollars, but that, by reason of other appropriations made out of the general fund of the treasury for the benefit of said cities, incorporated towns, and counties, there shall be no distribution of any of said net profits except two-thirds thereof, as provided in § 4-22 of the Code of Virginia. In order to be able to ascertain and determine properly the actual amount of said profits the Comptroller may, from time to time, credit on his books to the said board the value of merchandise on hand in the warehouses and stores of the board at the actual cost thereof to the said board.		
Total for Department of Accounts	$11,589,100	$11,592,500

Compensation Board

Item 78		
For regulating compensation of local officers, in accordance with law	$ 53,500	$ 53,100
Out of this appropriation the following salary may be paid:		
Chairman, not exceeding $5,000		
It is provided, however, that for such time, if any, as the Chairman of the Compensation Board receives additional pay for other services rendered the State, his salary as such Chairman shall not exceed $3,500.		

DEPARTMENT OF PURCHASES AND SUPPLY

Item 79		
For purchasing commodities and supervising public printing for the State	$ 294,500	$ 295,350
Out of this appropriation the following salary shall be paid:		
Director, not exceeding $13,500		
Out of this appropriation shall be paid only the cost of such public printing required for the work of departments, institutions and agencies of the State government as is authorized by law to be paid out of the public printing fund, including the cost of printing and binding the Virginia Reports but excluding legislative printing, provision having been made therefor in Item 1 $20,000 each year.		

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	First Year	Second Year

It is hereby provided that no part of this appropriation for the Department of Purchases and Supply shall be expended in furnishing stationery or other office supplies to any State officer, department, board, institution or other State agency.

Item 79a

For operation and maintenance of a central warehouse and distribution facility, to be paid solely from the charges made to the several State departments, institutions and agencies for articles and supplies furnished them, a sum sufficient with the prior approval of the Governor.

DEPARTMENT OF TAXATION

Item 80

For administration of the tax laws, the Virginia Unfair Sales Act, and aiding in general assessment or reassessment of real estate ..... $ 1,284,655 $ 1,323,385

Out of this appropriation shall be paid the following salary:

State Tax Commissioner $18,000

DIVISION OF MOTOR VEHICLES

Item 81

For administration of motor vehicle license, registration and fuel tax laws $1,669,915
the first year, and $1,721,135 the second year.

Out of this appropriation the following salary shall be paid:

Commissioner $14,000

Item 82

For refund of taxes on motor vehicle fuels in accordance with law, a sum sufficient.

Item 83

For licensing operators of motor vehicles $401,335
the first year, and $404,735 the second year.

Item 84

For administering motor vehicle safety responsibility act $748,555
the first year, and $832,845 the second year.

Item 85

For receiving applications for the registration of titles to motor vehicles and for issuance of licenses in accordance with law, at branch offices, a sum sufficient, estimated at $541,860
the first year, and $548,540 the second year.

Item 86

For maintenance and operation of building occupied by Division of Motor Vehicles $104,845
the first year, and $108,195 the second year.

Item 87

For regulating the distribution and sales of motor vehicles $72,580
the first year, and $74,015 the second year.

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Item 88 **First Year** **Second Year**

For administration of the special fuels tax act.....$56,995
the first year, and $57,705 the second year.

Item 89

For examining applicants for operators' and chauffeurs' licenses $386,800
the first year, and $404,420 the second year.

Item 90

For administration of the uninsured motorists act $350,000
the first year, and $350,000 the second year.

Item 91

All appropriations herein made to the Division of Motor Vehicles shall be paid only out of revenues collected and paid into the State treasury by the Division of Motor Vehicles and credited to the State highway maintenance and construction fund, and none of the appropriations made to the said Division shall be paid out of the general fund of the State treasury; provided, however, excepting Item 82, that no expenditures out of these appropriations shall be paid out of the revenue derived from the taxes levied under §§ 58-628, 58-711, and 58-744 of the Code of Virginia, as amended, and provided further that the appropriations for administration of the uninsured motorists act shall be paid out of the revenues in the Uninsured Motorist Fund.

Item 92

All revenue received by the Division of Motor Vehicles for any purpose whatsoever or in accordance with any law or regulation administered by said Division shall be paid directly and promptly into the State treasury to the credit of the State highway maintenance and construction fund. Provided, however, that this item shall not apply to any money or revenue collected for the account of the Uninsured Motorist Fund.

Total for the Division of Motor Vehicles, from special funds.....$4,332,885
the first year, and $4,501,590 the second year.

DEPARTMENT OF STATE POLICE

Items 93-94

For State police patrol.....$7,032,070
the first year, and $7,184,525 the second year.

Out of this appropriation the following salary shall be paid:

Superintendent of State Police.....$14,000

It is further provided that out of this appropriation there shall be paid in each year the actual cost of the required valuation report by the actuary and other necessary administrative expense required for the retirement of State Police officers.

Item 95

For promoting highway safety.....$254,700
the first year, and $263,520 the second year.

Item 96

For operation of State Police Radio System.....$661,199
the first year, and $664,022 the second year.

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	First Year	Second Year

Item 97

For operation and maintenance of headquarters buildings and grounds $143,190
the first year, and $148,370 the second year.

Item 98

For operation of State Police Dining Room $47,890
the first year, and $47,960 the second year.

It is provided, however, that with the prior written approval of the Governor this appropriation may be increased to a total sum not exceeding the sum collected from boarders.

Item 99

In the event the Department of State Police patrols a highway facility constructed and operated as a revenue bond or turnpike authority project, the State highway maintenance and construction fund shall be reimbursed in full by such facility for the expenses of such service in amounts agreed upon by the Department and the facility operator, and approved in writing by the Governor.

Item 100

Except as provided by Item 94 above, all appropriations herein made to the Department of State Police shall be paid only out of revenues collected and paid into the State treasury by the Division of Motor Vehicles or by the Department of State Police and credited to the State highway maintenance and construction fund, and none of the appropriations made, other than by Item 94, to the said Division shall be paid out of the general fund of the State treasury; provided further, however, that no expenditures out of this appropriation shall be paid out of the revenue derived from the taxes levied under §§ 58-628, 58-711, and 58-744 of the Code of Virginia as amended.

Item 101

All revenue received by the Department of State Police for any purpose whatsoever or in accordance with any law or regulation administered by said Department shall be paid directly and promptly into the State treasury to the credit of the State highway maintenance and construction fund. This provision shall apply also to the proceeds from sales of automobiles, notwithstanding any contrary provision of law.

Total for the Department of State Police from special funds $8,139,049
the first year, and $8,308,397 the second year.

DEPARTMENT OF MILITARY AFFAIRS

Item 102

For providing military protection for the State, to be expended in accordance with § 44-14 of the Code of Virginia ..... $ 331,800 $ 332,800

Out of this appropriation the following salary shall be paid:

Adjutant General $12,000

Item 103

For the military contingent fund, out of which to pay the

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	First Year	Second Year

military forces of the Commonwealth when aiding the civil authorities, as provided by § 44-82 of the Code of Virginia, a sum sufficient.

In the event units of the Virginia National Guard shall be in Federal service, the sum allocated herein for their support shall not be used for any different purpose, except, with the prior written approval of the Governor, to provide for the Virginia State Guard.

DEPARTMENT OF CORPORATIONS

State Corporation Commission

Item 104

For expenses of administration of the corporation laws and related activities, including State contribution to Judges and Commissioners Retirement Fund and expenses of retired Commissioners recalled to active duty, in accordance with law ..... $ 356,450 $ 363,450

Out of this appropriation the following salaries shall be paid:

Chairman, State Corporation Commission $18,000

Other members of the State Corporation Commission (2), each at $17,500

Item 105

For making appraisals, valuations, investigations and inspections of the properties and services of certain public service companies, and for the supervision and administration of the laws relative to public service companies, in accordance with §§ 58-660 to 58-671, inclusive, of the Code of Virginia, to be paid only out of the proceeds of the taxes levied and collected under Article 15 of Chapter 12 of Title 58 of the Code of Virginia, and not out of the general fund of the State treasury, the amount derived from the aforesaid taxes, and unexpended balances from said tax revenue, estimated at ..... $243,550 the first year, and $247,850 the second year.

Item 106

For the promotion of aviation in the public interest, to be paid only out of the tax on gasoline or fuel used in flights within the boundary of the State; and fees from the licensing or registering of airmen, aircraft, and airports, and from all heretofore unexpended balances derived from any of the above sources, and not out of the general fund of the State treasury ..... $191,900 the first year, and $211,000 the second year.

Item 107

For regulating and taxing motor vehicle carriers, to be paid only out of fees collected from them by the State Corporation Commission and taxes on them collected under acts administered by the State Corporation Commission and paid into the State treasury to the credit of the highway maintenance and construction fund, the amount of said revenues, estimated at ..... $491,000 the first year, and $500,000 the second year.

Item 107a

For payment to insurance companies writing motor vehicle bodily injury and property damage liability in-

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	First Year	Second Year
surance on motor vehicles registered in Virginia, in accordance with § 12-66 of the Code of Virginia, a sum sufficient. It is provided, however, that the payments out of this item shall not exceed the balance in the Uninsured Motorists Fund in the State treasury after provision for payment of the sums appropriated elsewhere in this act for administration of the uninsured motorists act.		
Item 108		
For examination and supervision of banks, small loan companies, credit unions, and building and loan associations to be paid only out of the fees, licenses, and taxes levied and collected for the examination and supervision of the said banks, small loan companies, credit unions, and building and loan associations and paid into the State treasury in accordance with law, and out of unexpended balances in said fees, licenses, and taxes heretofore paid into the State treasury, as aforesaid; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury not exceeding.....$321,800 the first year, and $329,500 the second year. Out of this appropriation the following salary shall be paid: Commissioner of Banking, not exceeding.....$12,500		
Item 109		
For supervision and inspection of concerns conducting an insurance business in Virginia, as required by law, and for administration of the Virginia Fire Hazards Law, to be paid out of the fees, licenses and taxes levied and collected for the payment of the expenses incurred in supervising and inspecting the aforesaid concerns, and paid into the State treasury in accordance with law, and out of unexpended balances in said fees, licenses and taxes heretofore paid into the State treasury as aforesaid; provided, however, that no part of this appropriation shall be paid out of the general fund of the State treasury, not exceeding .....$444,100 the first year, and $454,150 the second year. Out of this appropriation the following salary shall be paid: Commissioner of Insurance, not exceeding.....$12,500 This sum includes any compensation for services as a zone manager of the National Association of Insurance Commissioners.		
Total for the Department of Corporations.....$	356,450	$ 363,450

DEPARTMENT OF LABOR AND INDUSTRY

Item 110		
For expenses of administration of the Department of Labor and Industry .....$	44,100	$ 40,000
Out of this appropriation the following salary shall be paid: Commissioner $12,500		
Item 111		
For research and statistics .....$	65,025	$ 64,325

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	First Year	Second Year
Item 112		
For factory, institution and mercantile inspections	$ 121,600	$ 122,500
Item 113		
For mines and quarries inspection	$ 118,000	$ 119,650
Item 114		
For supervising the industrial employment of women and children	$ 84,530	$ 84,130
Item 115		
For apprenticeship training	$ 98,350	$ 97,850
Total for the Department of Labor and Industry	$ 531,605	$ 528,455

DEPARTMENT OF WORKMEN'S COMPENSATION

Industrial Commission of Virginia

Item 116

For administration of the Virginia Workmen's Compensation Act, including State contribution to Judges' and Commissioners' Retirement Fund and expenses of retired Commissioners recalled to active duty in accordance with law, to be paid out of the receipts from taxes levied and collected and paid into the State treasury for the administration of the Workmen's Compensation Act in accordance with law; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, not exceeding ..... $379,125 the first year, and $375,550 the second year.

Out of this appropriation the following salaries shall be paid:

Commissioners (3), at $14,000 each.

Item 116a

For administration of the Workmen's Compensation Act there is hereby appropriated the additional sum of $10,000 each year to be paid out of the workmen's compensation fund; provided, however, that no part of this appropriation shall be expended except with the prior written approval of the Governor.

VIRGINIA EMPLOYMENT COMMISSION

Item 117

For expenses of administration of the Virginia Unemployment Compensation Act, exclusive of the payment of unemployment compensation benefits, a sum sufficient, estimated at ..... $2,990,000 the first year, and $3,112,000 the second year.

It is hereby provided that out of this appropriation the following salary shall be paid:

Commissioner $13,500

Item 118

For administration of a merit system program for the Virginia Employment Commission, a sum sufficient, estimated at ..... $7,800 the first year, and $8,000 the second year.

Item 119

It is hereby provided that the aforesaid appropriations for administration of the Virginia Unemployment Compensation Act and administration of a merit system program shall be paid only out of the

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First Year Second Year

unemployment compensation administration fund established by § 60-21 and Article 2 of Chapter 8 of Title 60 of the Code of Virginia, and not out of the general fund of the State treasury. All monies which are deposited or paid into this fund are hereby appropriated and made available to the Commission.

Item 120

For payment of unemployment benefits as authorized by the Virginia Unemployment Compensation Act, a sum sufficient, estimated at ..... $14,000,000 each year.

It is hereby provided that this appropriation for payment of unemployment benefits shall be paid only out of the monies requisitioned from the State of Virginia's account in the unemployment compensation trust fund in the treasury of the United States, and paid into the State treasury to the credit of the unemployment compensation fund in accordance with the provisions of §§ 60-90 through 60-94, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury.

Item 121

For payment of unemployment benefits for Federal employees and veterans on behalf of the Federal government, a sum sufficient.

It is hereby provided that this appropriation for payment of unemployment benefits for Federal employees and veterans shall be paid only out of monies paid by the Federal Government into the Federal benefits fund of the State treasury, and not out of the general fund of the State treasury.

Item 122

For special unemployment compensation expenses to be paid only out of the Special Unemployment Compensation Administration Fund continued in effect by § 60-95 of the Code of Virginia, a sum sufficient, not to exceed ..... $20,000 each year.

Item 123

For refund of contributions and interest thereon in accordance with the provisions of § 60-94 of the Code of Virginia, to be paid only out of the clearing account created by § 60-90 of the Code of Virginia, a sum sufficient.

Item 124

For payment to the Secretary of the Treasury of the United States to the credit of the unemployment compensation trust fund established by the Social Security Act, to be held for the State of Virginia upon the terms and conditions provided in the said Social Security Act, there is hereby appropriated the amount remaining in the clearing account created by § 60-90 of the Code of Virginia after deducting from the amounts paid into the said clearing account the refunds payable therefrom pursuant to § 60-94 of the Code of Virginia.

Total for the Virginia Employment Commission from special funds ..... $17,017,800 the first year, and $17,140,000 the second year.

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DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Item 125 — **First Year** — **Second Year**

For administration of the functions, powers and duties assigned to the Virginia Alcoholic Beverage Control Board by the Alcoholic Beverage Control Act, to be paid only out of the monies collected and paid into the State treasury by the said Board, as provided by § 4-23 of the Code of Virginia, and not out of the general fund of the State treasury, provided, however, with approval of the Governor, loans for the payment of such expenditures may be made from the general fund and from any other funds in the State treasury upon such terms as the Governor may approve, a sum sufficient, estimated at ..... $95,816,180 the first year, and $95,906,180 the second year.

It is hereby provided that out of this appropriation the following salaries shall be paid:

Chairman of the board $14,000
Vice-Chairman $14,000
Member of board $14,000

Salaries for other personal service shall be fixed by the Virginia Alcoholic Beverage Control Board, with approval by the Governor, as provided by the Alcoholic Beverage Control Act. (The sums for such purpose set forth in the Budget are estimates only, and are not to be construed as affecting the discretion of the Governor or the Board with regard thereto as provided in said Act.)

DEPARTMENT OF AGRICULTURE AND IMMIGRATION

Board of Agriculture and Immigration

Item 126

For expenses of administration of the Board of Agriculture and Immigration, including public information and promotion of Virginia farm products ..... $ 175,225 $ 176,925

Out of this appropriation the following salary shall be paid:

Commissioner of Agriculture and Immigration (without fees, all fees of office to be paid into the State treasury) $13,500

Item 127

For preparation and operation of State agency exhibits at State Fair ..... $ 8,000 $ 8,000

Item 128

For administration of commodities laws and laboratories ..... $ 62,000 $ 61,500

Item 128a

For analyzing products and other materials for harmful residues ..... $ 50,000 $ 50,000

Item 129

For regulating the sale of fertilizers, limes and gasoline ..... $ 160,600 $ 163,700

Item 130

For analyzing gasoline, diesel fuel and motor oils ..... $ 48,300 $ 48,900

Item 131

For regulating the sale of economic poisons, a sum sufficient, estimated at ..... $ 37,925 $ 38,650

It is provided that the amount expended out of this appropriation for regulating the sale of economic

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	First Year	Second Year
poisons shall not exceed the amount paid into the State treasury during the current biennium as proceeds of revenues derived from regulating the sale of economic poisons.		
It is provided, however, that the unexpended balance at the close of the previous biennium in the inspection fees collected and paid into the State treasury through the enforcement of the Virginia Insecticide, Fungicide and Rodenticide law is hereby reappropriated to the Board of Agriculture and Immigration to be used for regulating the sale of economic poisons.		
Item 132		
For regulating sale of paints, as provided for in Chapter 5.1 of Title 59 of the Code of Virginia	$ 44,025	$ 44,850
Item 133		
For regulating the sale of commercial feeds and animal remedies	$ 191,450	$ 194,550
Item 134		
For administration of pure food laws	$ 107,900	$ 109,225
The Board of Agriculture and Immigration is hereby directed to expend out of the appropriation under this title, a sum sufficient to enable the board to perform the work in connection with apple spray residue which is necessary to enable commercial apple growers of this State to meet the requirements of the Federal and State pure food laws.		
Item 135		
For protecting livestock from disease	$ 222,400	$ 226,400
Item 136		
For operating regional laboratories	$ 273,050	$ 280,150
Item 137		
For inspection of livestock markets	$ 67,100	$ 67,300
Item 138		
For administration of dairy laws	$ 233,000	$ 239,800
Item 139		
For control of Vitamin D milk a sum sufficient, estimated at	$ 8,000	$ 8,000
It is provided, however, that the amount expended out of this appropriation for control of Vitamin D milk shall not exceed the amount paid into the State treasury during the current biennium as proceeds from fees collected for such control.		
Item 140		
For prevention of swine diseases, to be paid only out of the fees and revenues collected or received by the Board of Agriculture and Immigration, in accordance with the provisions of § 3-598.4 of the Code of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury the amount of such revenues, estimated at $18,580 each year.		
It is provided that any unexpended portion of the funds derived from said fees and revenues at the close		

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	First Year	Second Year
of the previous biennium is hereby reappropriated to the Board of Agriculture and Immigration to be used for the prevention of swine diseases.		
Item 141		
For meat inspection	$ 201,500	$ 211,500
It is provided, however, that the total expenditure in each year from this appropriation shall not exceed the total revenues collected from establishments inspected (which revenues shall be paid into the general fund of the State treasury) by more than $150,000 each year.		
Item 142		
For compilation of statistics	$ 27,250	$ 27,000
Item 143		
For testing and study of seeds	$ 122,900	$ 118,700
Item 144		
For crop pest control	$ 141,400	$ 140,600
Item 145		
For administration of fruit grading and inspection	$ 44,050	$ 44,610
Item 146		
For administration of marketing activities	$ 270,400	$ 275,000
Item 147		
For inspection of agricultural and other commodities, to be paid only out of the fees and charges collected and paid into the State treasury for such inspection of agricultural and other commodities and not out of the general fund of the State treasury, a sum sufficient, estimated at $1,058,000 the first year, and $1,078,700 the second year.		
It is provided that any unexpended portion of the funds derived from said fees and other charges and from fees and charges for voluntary apple and peach inspection service at the close of the previous biennium are hereby reappropriated to the Division of Markets of the Department of Agriculture and Immigration, to be used for the "inspection of agricultural and other commodities," under this title.		
Item 148		
For enforcement of weights and measures law	$ 201,400	$ 203,700
Item 149		
For appointment and supervision of assistants, deputies, and inspectors to assist in carrying out the weights and measures law of Virginia, to be paid only out of the fees collected for the services of such assistants, deputies, and inspectors, in accordance with the provisions of §§ 59-80 and 59-81 of the Code of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury, the amount of such fees estimated at $8,320 each year.		
Item 150		
For market expansion	**$ 60,150**	**$ 62,150**

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Item 151	First Year	Second Year
For market expansion, to be paid only out of funds received for that purpose from the Federal government, and paid into the State treasury, and not out of the general fund of the State treasury, each year.	$55,000	
Item 152		
For enforcement of egg law	$ 26,400	$ 26,650
Total for the Board of Agriculture and Immigration	$ 2,784,425	$ 2,827,860

State Lime Grinding Plant No. 1, at Staunton

Item 153

For maintenance and operation of the State Lime Grinding Plant No. 1, at Staunton, $114,440 the first year, and $115,440 the second year.

Item 154

For per diem allowance to prisoners, in accordance with the provisions of § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $1,560 each year.

Item 155

All appropriations herein made to the State Lime Grinding Plant No. 1, at Staunton, shall be paid only out of the revenues collected and paid into the State treasury by the said Lime Grinding Plant, and not out of the general fund of the State treasury.

State Lime Grinding Plant No. 2, at Appomattox

Item 156

For maintenance and operation of the State Lime Grinding Plant No. 2, at Appomattox, to be paid only out of the revenues derived from the operation of said lime grinding plant, and paid into the State treasury, and not out of the general fund of the State treasury, $49,800 the first year, and $49,500 the second year.

Agricultural Research and Education Commission

Item 157

For research and educational phases of the agricultural program, a sum sufficient, estimated at $6,500 each year.

It is provided that expenditures shall not exceed payments into the Agricultural Research and Education Fund of the State treasury established by § 58-730 of the Code of Virginia. It is provided further that no supplemental salary payments shall be made from this appropriation without the prior written approval of the Governor.

Virginia State Apple Commission

Item 158

For promoting the sale and consumption of Virginia apples, to be paid only out of the apple merchandising fund created in accordance with §§ 3-513 through 3-525, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury, $224,375 the first year, and $224,440 the second year.

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Virginia Bright Flue-Cured Tobacco Commission

Item 159	First Year	Second Year
For promoting the sale, consumption, and exportation of Virginia bright flue-cured tobacco, to be paid only out of the Bright Flue-Cured Tobacco Promotion Fund pursuant to the provisions of §§ 3-240 through 3-256 of the Code of Virginia, and not out of the general fund of the State treasury the amount needed from such funds, estimated at $9,000 each year.		

Virginia Peanut Commission

Item 160		
For promoting the consumption of Virginia peanuts, to be paid only out of the peanut fund created pursuant to the provisions of §§ 3-525.1 through 3-525.19, inclusive, of the Code of Virginia, and not out of the general fund of the State treasury $22,000 each year.		

MILK COMMISSION

Item 161		
For regulating the production and distribution of milk in accordance with the provisions of §§ 3-346 through 3-383, inclusive, of the Code of Virginia, to be paid only out of the revenues collected and paid into the State treasury, in accordance with the provisions of said sections and not out of the general fund of the State treasury $150,315 the first year, and $152,950 the second year.		
Item 162		
For regulating the production and distribution of milk by the local milk boards, in accordance with the provisions of §§ 3-346 through 3-383, inclusive, of the Code of Virginia, to be paid out of the revenues collected and paid into the State treasury, in accordance with the provisions of said sections and not out of the general fund of the State treasury $76,710 the first year, and $77,180 the second year.		

STATE SOIL CONSERVATION COMMITTEE

Item 163		
For State soil conservation	$ 121,000	$ 123,700
Item 164		
For State soil conservation, to be paid only out of the special revenues collected by the State Soil Conservation Committee and paid into the State treasury and not out of the general fund of the State treasury the amount of such special revenues, estimated at $5,000 each year.		
Total for agricultural agencies	$ 2,905,425	$ 2,951,560

BOARD OF COMMISSIONERS OF THE VIRGINIA STATE PORTS AUTHORITY

Item 165		
For the exercise and administration by the Board of Commissioners of the Virginia State Ports Authority of		

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	First Year	Second Year
the powers and duties conferred upon and vested in the said Board of Commissioners by the Act of the General Assembly of 1952 creating the said Virginia State Ports Authority, or by other provision of law	$ 550,550	$ 543,700
It is provided that out of this appropriation the Virginia State Ports Authority may, in its discretion and with the written approval of the Chairman of the said Authority, expend for such expenses in connection with promotional activities as are commonly borne by business organizations a sum not to exceed $3,300 each year.		
The salary of the Director of the Virginia State Ports Authority shall not exceed the sum of $16,000.00 per annum; and the amount of rent paid for the Norfolk Office shall not exceed the sum of $18,000.00 per annum. No increase in these items shall be made without prior approval of the General Assembly.		
Item 166		
For acquisition, development, construction and operation of port facilities	$ 336,750	$ 1,310,000
It is provided, further, that in the event the Board of Commissioners of the Virginia State Ports Authority is unable to acquire, develop or operate port facilities at any port, as proposed pursuant to H.J.R. No. 70, of the 1958 General Assembly, the funds hereby appropriated for such acquisition, development and operation of port facilities at any port shall be available, subject to the approval of the Governor, in like manner and to the same extent, to any other political subdivision of the Commonwealth having jurisdiction and authority to acquire, own, construct, and operate or lease port facilities.		
Total for Board of Commissioners of the Virginia State Ports Authority	$ 887,300	$ 1,853,700

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Item 167		
For expenses of administration of the Department of Conservation and Economic Development	$ 46,300	$ 46,425
Out of this appropriation the following salary shall be paid:		
Director $13,500		
Item 168		
For public relations and advertising	$ 517,475	$ 516,125
Out of this appropriation there is hereby appropriated:		
For advertising and dissemination of information related to Virginia's resources generally, and to the attraction of industry to Virginia and for industrial promotion $450,000 each year; provided that no part of this appropriation shall be available for expenditure except with the prior approval of the Governor in writing.		
It is provided that from the appropriation listed immediately above such sums as are deemed necessary by the Director of the Department and approved by the Governor may be expended for analyzing the effectiveness of the advertising expenditures.		
Item 169		
For development of salt water sport fishing resources	$ 27,280	$ 27,685

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Item 170	First Year	Second Year
It is hereby provided that out of the appropriations in Items 168, 169, and 188, the Department of Conservation and Economic Development may, in its discretion, and with the written approval of the Director of the Department, expend for such expenses in connection with promotional activities as are commonly borne by business organizations annual sums not exceeding $1,000 for public relations and advertising, $1,000 for development of salt water sport fishing resources and $2,000 for industrial development.		
Item 171		
For maintenance and operation of the Southwest Virginia Museum	$ 5,560	$ 5,860
Item 172		
For maintenance and operation of the Southwest Virginia Museum in the town of Big Stone Gap, to be paid only out of funds donated for that purpose, or otherwise obtained, without cost to the State of Virginia and paid into the State treasury and not out of the general fund of the State treasury $5,500 each year.		
Item 173		
For operation of Virginia War Memorial Carillon and Museum	$ 3,000	$ $3,000
Item 174		
For operation of State Parks	$ 331,450	$ 335,200
Out of this appropriation not more than $2,400 each year is hereby appropriated to employ a caretaker for the Hillsman House at Saylor's Creek Battlefield Park.		
Item 175		
For maintenance and operation of State Park cabins constructed under the authority of § 10-101 of the Code of Virginia, to be paid only out of receipts from the revenue bond indenture trustee and not out of the general fund of the State treasury, a sum sufficient, estimated at $6,000 each year.		
Item 176		
For exhibiting museum collection	$ 3,545	$ 3,665
Item 177		
For maintenance of improvements constructed by civilian conservation corps	$ 87,950	$ 105,100
Item 178		
For administration and protection of State forests, to be paid only out of the special revenues collected or received for the administration and protection of State forests, and paid into the State treasury to the credit of said Department, the amount of said special revenues, estimated at $114,100 the first year, and $114,000 the second year.		
It is further provided that any unexpended balance at the close of the previous biennium, in the special revenues collected or received for the administration and protection of State forests are hereby reappropriated to the Department of Conservation and Economic Development to be used for the purposes stated in this item.		

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	First Year	Second Year
Item 179		
For forestry service to landowners	$ 198,185	$ 203,985
Item 180		
For forestry service to landowners, to be paid only from special revenues collected or received for furnishing the said forestry service to landowners, or from Federal aid and other sources, and paid into the State treasury, and not out of the general fund of the State treasury $67,500 each year.		
Item 181		
For protection and development of forest resources, in accordance with law	$ 587,375	$ 600,075
Item 182		
For protection and development of forest resources of the State in accordance with law the special revenues collected or received for the protection and development of such forest resources, from Federal aid and other sources, and paid into the State treasury, to the credit of the Department of Conservation and Economic Development, estimated at $840,125 each year.		
Item 183		
For investigation and control of forest pests	$ 43,750	$ 44,250
Item 184		
For the investigation and control of forest pests in accordance with law, the special revenues collected or received for the aforesaid purpose, from Federal aid and other sources and paid into the State treasury, to the credit of the Department of Conservation and Economic Development estimated at $2,000 each year.		
Item 185		
For mineral resources investigation	$ 195,250	$ 207,525
It is provided that during the current biennium, no part of this appropriation may be paid to any Federal agency or activity for joint operation of geological surveys.		
It is further provided that no funds may be allotted from this appropriation without the prior written approval of the Governor.		
Item 186		
For topographical mapping in cooperation with the United States Geological Survey	$ 80,000	$ 80,000
Item 187		
For water resources investigation	$ 102,600	$ 108,200
It is hereby provided that the salary of the Commissioner of Water Resources shall be paid entirely out of the general fund of the State treasury, and that the said Commissioner shall receive no compensation from the Federal government.		
It is provided that the Department of Conservation and Economic Development may, with the approval of the Governor, expend for water resource investigation —stream gaging—the special revenues collected or		

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	First Year	Second Year
received and paid into the State treasury to the credit of the said Department. It is further provided that during the current biennium, no part of this appropriation may be paid to any Federal agency or activity for joint operation of water resources investigations. It is further provided that no funds may be allotted from this appropriation without the prior written approval of the Governor.		
Item 188		
For industrial development	$ 209,300	$ 211,700
Item 189		
For Advisory Council on the Virginia Economy	$ 4,000	$ 4,000
Item 190		
There is hereby reappropriated for study of Virginia economy any unexpended balance in the State treasury at the close of the previous biennium, as proceeds of gifts, donations, and grants heretofore received and paid into the State treasury for the said study of Virginia economy.		
Total for the Department of Conservation and Economic Development	$ 2,443,020	$ 2,502,795

VIRGINIA WORLD WAR II MEMORIAL COMMISSION

Item 191		
For administration expenses of the Virginia World War II Memorial Commission	$ 1,250	$ 1,250

BOARD OF REGENTS, GUNSTON HALL

Item 192		
For maintenance of Gunston Hall	$ 44,150	$ 47,800
Item 193		
For maintenance of Gunston Hall, to be paid only out of the special revenues collected and paid into the State treasury, for the maintenance of Gunston Hall, and not out of the general fund of the State treasury $9,750 the first year, and $10,000 the second year.		

STATE WATER CONTROL BOARD

Item 194		
For control, prevention and abatement of pollution in State waters	$ 129,700	$ 184,900
Item 195		
For control, prevention and abatement of pollution in State waters, from special revenues received for use of the State Water Control Board and paid into the State treasury $62,400 the first year, and $10,000 the second year.		

POTOMAC RIVER BASIN COMMISSION OF VIRGINIA

Item 196		
For control and abatement of pollution in the Potomac River Basin in accordance with the provisions of §§ 62-62 through 62-67, inclusive, of the Code of Virginia	$ 4,800	$ 4,800

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OHIO RIVER VALLEY WATER SANITATION COMMISSION

Item 197	First Year	Second Year
For control and abatement of pollution in Ohio River Basin water	$ 4,875	$ 4,875

JAMESTOWN FOUNDATION

Item 198		
For the maintenance and operation of Jamestown Festival Park	$ 273,200	$ 283,200

BREAKS INTERSTATE PARK COMMISSION

Item 199		
For the Commonwealth of Virginia appropriation to the Breaks Interstate Park Commission in accordance with the provisions of the Breaks Interstate Park Compact	$ 14,000	$ 14,500

COMMISSION OF FISHERIES

Item 200		
For expenses of administration of the Commission of Fisheries	$ 44,250	$ 45,675
Out of this appropriation the following salary shall be paid: Commissioner $12,500		
Item 201		
For protection of oyster beds and fish	$ 359,750	$ 357,550
Item 202		
For repletion of oyster beds	$ 216,975	$ 217,275
It is hereby provided that all planting of oyster shells for repletion of oyster beds herein authorized shall be carried on by the Commission of Fisheries only with the advice of, and in cooperation with, the Virginia Fisheries Laboratory.		
Total for the Commission of Fisheries	$ 620,975	$ 620,500

POTOMAC RIVER FISHERIES COMMISSION

Item 203		
For the Commonwealth of Virginia's appropriation to the Potomac River Commission in accordance with the provisions of the Potomac River Compact, to be released by the Governor upon the formation of the Commission	$ 25,000	$ 25,000

ATLANTIC STATES MARINE FISHERIES COMMISSION

Item 204		
For improving the utilization of Atlantic seaboard fisheries	$ 8,000	$ 8,000

VIRGINIA FISHERIES LABORATORY

Item 205		
For maintenance and operation of the Virginia Fisheries Laboratory in accordance with the provisions of §§ 28-248 through 28-253, inclusive, of the Code of Virginia	$ 300,750	$ 337,950

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Item 206	First Year	Second Year
For hydrographic and biological study of the Chesapeake Bay	$ 30,000	$ 30,000
Total for the Virginia Fisheries Laboratory	$ 330,750	$ 367,950

COMMISSION OF GAME AND INLAND FISHERIES

Item 207

For administration of the laws relating to game and inland fisheries .....$2,382,025 the first year, and $2,439,625 the second year.

Item 208

It is hereby provided that all monies, fees and revenues collected by the Commission of Game and Inland Fisheries shall, upon receipt thereof, be paid promptly into the State treasury to the credit of the game protection fund and unexpended balances in such revenues from the previous biennium shall be transferred to said fund, and all appropriations made to the Commission of Game and Inland Fisheries as provided in this act, shall be paid out of the game protection fund, and not out of the general fund of the State treasury.

Item 209

In the event the Federal government should make available additional funds for game and fish work, such additional funds as are allocated to Virginia may be expended, subject to the approval of the Governor, for the lease and purchase of areas for refuges, wild life habitat demonstration, and research public hunting and fishing grounds, structures, and for operating expenses in connection therewith.

DEPARTMENT OF HIGHWAYS

State Highway Commission

Item 210

For expenses of administration and supervision by the State Highway Commission and for engineering to be paid only from the proceeds of the tax on motor vehicle fuels segregated by law to the State highway system, a sum sufficient, estimated at $5,065,500 the first year, and $5,119,500 the second year.

Out of this appropriation the following salary shall be paid:

State highway commissioner.....$18,000

Item 211

For construction and reconstruction of State highways, for meeting Federal aid and for providing equipment and facilities necessary thereto, the proceeds of the tax on motor vehicle fuels, motor vehicle registration fees, motor bus licenses, and other revenues segregated by law for the construction and reconstruction of State highways, after the payment therefrom of any appropriations and transfers made by this act payable from the proceeds of said taxes; provided, that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at .....$25,975,095 the first year, and $26,998,380 the second year.

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Item 212	First Year	Second Year
For regulating outdoor advertising, in accordance with the provisions of §§ 33-298 to 33-324, inclusive, of the Code of Virginia, to be paid only out of the money collected and paid into the State treasury as provided by § 33-308 of the Code of Virginia, and not out of the highway maintenance and construction fund, nor out of the general fund of the State treasury, anything in the provisions of § 33-322 of the Code of Virginia to the contrary notwithstanding	$42,000	each year.

Item 213

It is provided, further, that the State Highway Commission may expend for construction, reconstruction and maintenance of the highways in the interstate, primary, urban, and secondary systems the amount received from the Federal government and paid into the State treasury for such construction, reconstruction and maintenance, estimated at $70,000,000 the first year, and $76,000,000 the second year.

Item 214

For maintenance of State highways, to be paid only from the proceeds remaining from the special taxes segregated by law to the maintenance of State highways, and not out of the general fund of the State treasury; and provided, further, that the State Highway Commission may, in its discretion, first set aside, out of this appropriation, the amount, in its judgment, necessary for the maintenance of the roads and bridges in the State highway system, and expend, in its discretion, the balance of said fund for construction or reconstruction of roads and bridges in the State highway system ..... $13,974,000 the first year, and $14,474,000 the second year.

Item 215

For maintenance and improvement, including construction and reconstruction, of the secondary system of State highways, to be paid only out of the proceeds of the motor vehicle fuel tax, and not out of the general fund of the State treasury ..... $35,637,600 each year.

Item 216

For construction and maintenance of city streets, to be paid only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury ..... $6,867,000 the first year, and $7,000,000 the second year.

Item 217

For acquisition of land for use in the development of the George Washington Memorial Parkway in Virginia, to be paid only out of highway funds allocated by the State Highway Department to the primary State highway construction fund for the district in which the said Memorial Parkway is located, and not out of the general fund of the State Treasury, there is hereby reappropriated the unexpended balance, estimated at $137,500, at the close of the previous biennium, in Item 335, Chapter 96, Acts of Assembly, Extra Session, 1959.

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First Year Second Year

It is provided that this reappropriation may be expended with the approval of the Governor and the State Highway Commission, for the acquisition by purchase, gift or condemnation of lands lying within the State of Virginia and within the boundaries of the proposed George Washington Memorial Parkway from the present terminus of the Parkway to the proposed Virginia-Washington Circumferential roadway at Cabin John in Fairfax County, Virginia, and no further. This reappropriation being based on an estimate submitted to the Department of Officials of the National Capitol Park Planning Commission. It is further provided that this reappropriation, with the approval of the Governor and the State Highway Commission, may be expended directly for the acquisition of such lands, or the Governor may place the entire appropriation, or any part thereof, at the disposal of the United States of America, for the acquisition of the said lands for the establishment of the proposed George Washington Memorial Parkway.

It is further provided, however, that this reappropriation shall be expended or placed at the disposal of the United States of America or its duly authorized officers or agents for the acquisition of said lands only when satisfactory proof is furnished the Governor that an equivalent sum has been provided for the same purpose by the political subdivisions adjacent to the proposed George Washington Memorial Parkway; and provided, further, that this reappropriation is not to be considered as obligating the State to make further appropriations for the establishment of the aforesaid Parkway except as future General Assemblies may deem it wise to do so.

Item 218

For a joint hydraulic study, to be paid only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury ..... $4,000 each year.

Item 219

For maintenance and operation of toll facilities, to be paid in accordance with the provisions of §§ 33-227 through 33-255, inclusive, of the Code of Virginia, provided that no part of this appropriation shall be paid out of the general fund of the State treasury..... $6,830,000 the first year, and $7,044,000 the second year.

It is hereby provided that out of this appropriation shall be paid the amount required for interest and sinking fund requirements on the revenue bonds issued by the State Highway Commission for the acquisition of toll facilities, estimated at..... $4,473,300 each year.

Total for the State Highway Commission from special funds..... $164,395,195 the first year, and $172,314,430 the second year.

Central Garage

Item 220

For maintenance and operation of a Central Garage, in accordance with the provisions of § 2-42 of the Code

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	First Year	Second Year
of Virginia, to be paid only out of the special fund established by the cited section, a sum sufficient, estimated at ..... $1,480,200 the first year, and $1,533,450 the second year.		
It is provided, further, that the proceeds from sales of automobiles shall be paid into the special fund established by § 2-42 of the Code of Virginia, notwithstanding any contrary provision of law.		

DEPARTMENT OF HEALTH

State Board of Health

It is provided that the amounts estimated and set forth in Items 222, 225, 229, 231, 240, 242, 244, 246, 248, 252, 254, 256, and 257 are appropriated from special revenues collected or received for the use of the State Board of Health and paid into the State treasury, and such amounts shall not be paid from the general fund of the State treasury.

Item 221		
For expenses of administration of the State Board of Health	$ 133,140	$ 134,095
Out of this appropriation the following salary shall be paid:		
State health commissioner $18,000		
Item 222		
For expenses of administration ..... $102,385 the first year, and $102,530 the second year, from special revenues.		
Item 223		
For health education	$ 43,090	$ 43,635
Item 224		
For collection and publication of vital statistics	$ 329,220	$ 331,440
Item 225		
For collection and publication of vital statistics ..... $3,745 each year, from special revenues.		
Item 226		
For sanitary engineering	$ 140,090	$ 141,820
It is provided that out of this appropriation there is hereby appropriated:		
For Hampton Roads Sanitation District Commission, for sewage prevention and control ..... $5,000 each year.		
Item 227		
For shellfish inspection and sanitation	$ 118,600	$ 112,290
Item 228		
For industrial hygiene	$ 37,750	$ 37,650
Item 229		
For industrial hygiene, to be paid from the fund for the administration of the Workmen's Compensation Act ..... $16,000 each year.		

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	First Year	Second Year
Item 230		
For prevention of tuberculosis	$ 353,760	$ 356,660
It is provided that out of this appropriation there is hereby appropriated:		
For the surgical treatment of tuberculosis, each year $60,000		
Item 231		
For prevention of tuberculosis $103,130 each year, from special revenues.		
Item 232		
For tuberculosis diagnosis, surgery, and hospitalization at the Ennion G. Williams Hospital, Medical College of Virginia	$ 914,930	$ 955,370
Item 233		
For control of venereal diseases	$ 73,535	$ 74,610
Item 234		
For control of venereal diseases $43,465 the first year, and $44,890 the second year, from special revenues.		
Item 235		
For control of epidemics	$ 160,445	$ 161,545
Item 236		
For malaria and mosquito control	$ 120,645	$ 122,135
It is provided that out of this appropriation there is hereby appropriated:		
For contribution by the State Board of Health to mosquito control commissions established in accordance with law, not exceeding $88,425 the first year, and $89,440 the second year.		
It is further provided that contributions by the State Board of Health out of this appropriation to any mosquito control commission shall not exceed 25 per cent of the gross amount obtained by such commission from other sources.		
Item 237		
For administration of Merit System	$ 18,860	$ 19,135
Item 238		
For personnel training	$ 9,000	$ 9,000
Item 239		
For medical and nursing facilities services	$ 99,800	$ 101,120
Item 240		
For medical and nursing facilities services $3,600 each year, from special revenues.		
Item 241		
For cancer control	$ 43,050	$ 43,100
Item 242		
For cancer control $46,100 each year, from special revenues.		
Item 243		
For inspection of hotels, tourist and food establishments	$ 144,040	$ 145,890

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	First Year	Second Year
Item 244		
For administration of Virginia bedding law the first year, and $37,160 the second year, from special revenues.	$37,350	
Item 245		
For maternal and child health	$ 88,588	$ 89,738
Item 246		
For maternal and child health each year, from special revenues.	$477,387	
Item 247		
For crippled children's service	$ 385,968	$ 387,968
Item 248		
For crippled children's service each year, from special revenues.	$451,032	
Item 249		
For nursing scholarships, to provide scholarships pursuant to §§ 23-35.9 through 23-35.13, Code of Virginia, and to provide scholarships to train teachers of nurses subject to the conditions of acceptance stated in these cited sections	$ 26,000	$ 26,000
Item 250		
For operation of laboratories	$ 216,805	$ 220,305
Item 251		
For study, care, treatment, research and rehabilitation of alcoholics, as provided by law	$ 285,370	$ 288,400
Item 252		
For study, care, treatment and rehabilitation of alcoholics, as provided by law each year, from special revenues.	$58,000	
Item 253		
For post-mortem examinations	$ 205,945	$ 207,495
Item 254		
For providing bodies for scientific study the first year, and $12,305 the second year, from special revenues.	$12,155	
It is hereby provided that on the first day of July in each year of the current biennium the Department of Health may bill each agency served for an advance payment not exceeding the amount of the charge for the previous year.		
Item 255		
For local health services	$ 3,060,945	$ 3,101,785
It is provided that such part of this appropriation as may be expended in providing medical services to persons requiring the same shall be expended under rules and regulations adopted jointly by the State Board of Health and the governing body of the county or city paying a portion of the cost of such service; such rules and regulations shall be so devised and administered as to ensure that such medical services will be rendered only to the indigent or medically indigent.		

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	First Year	Second Year
Item 256		
For local health services.....$1,618,605 the first year, and $1,635,615 the second year, from special revenues.		
Item 257		
For study of heart diseases.....$48,391 the first year, and $48,361 the second year, from special revenues.		
Total for the State Board of Health.....	$ 7,009,576	$ 7,110,186

Blue Ridge Sanatorium, at Charlottesville

Item 258		
For maintenance and operation of the Blue Ridge Sanatorium, at Charlottesville.....	$ 1,003,010	$ 1,012,875
Item 259		
For maintenance and operation of the Blue Ridge Sanatorium, at Charlottesville, to be paid only out of the special revenues collected or received for the use of said Blue Ridge Sanatorium and paid into the State treasury, and not out of the general fund of the State treasury .....$126,800 each year.		

Catawba Sanatorium, Near Salem

Item 260		
For maintenance and operation of the Catawba Sanatorium, near Salem.....	$ 869,395	$ 892,985
Item 261		
For maintenance and operation of the Catawba Sanatorium, near Salem, to be paid only out of the special revenues collected or received for the use of said Catawba Sanatorium, and paid into the State treasury, and not out of the general fund of the State treasury .....$67,620 the first year, and $62,620 the second year.		

Piedmont Sanatorium, at Burkeville

Item 262		
For maintenance and operation of the Piedmont Sanatorium, at Burkeville.....	$ 1,127,400	$ 1,139,600
Item 263		
For maintenance and operation of the Piedmont Sanatorium, at Burkeville, to be paid only out of the special revenues collected or received for the use of said Piedmont Sanatorium, and paid into the State treasury, and not out of the general fund of the State treasury .....$30,300 each year.		
Total for the Department of Health.....	$10,009,381	$10,155,646

DEPARTMENT OF WELFARE AND INSTITUTIONS

Central Activities

It is provided that the amounts estimated and set forth in Items 265, 267, 269, 274, 276, 278, 282, and 283 are appropriated from special revenues collected or

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	First Year	Second Year
received for the use of the Department of Welfare and Institutions and paid into the State treasury, and such amounts shall not be paid from the general fund.		
Item 264		
For expenses of administration of the Department of Welfare and Institutions	$ 188,455	$ 188,775
Out of this appropriation shall be paid the following salary:		
Commissioner $13,500		
Item 265		
For expenses of administration $143,000 the first year, and $146,000 the second year, from special revenues.		
Item 266		
For general welfare activities	$ 258,225	$ 259,895
Item 267		
For general welfare activities $83,355 each year, from special revenues.		
Item 268		
For youth service activities	$ 220,435	$ 225,230
Item 269		
For youth service activities $117,180 each year, from special revenues.		
Item 270		
For corrections activities	$ 68,900	$ 67,070
Item 271		
For parole activities	$ 658,950	$ 693,000
Out of this appropriation the following salaries shall be paid:		
Director of Parole $12,000		
Member of Board $12,000		
Member of Board $12,000		
It is provided that the limitation of $1,300 heretofore applicable to the maximum expenses of probation and parole officers be continued in the same amount.		
Item 272		
For administration of Merit System	$ 15,000	$ 15,300
Item 273		
For old age assistance	$ 1,445,580	$ 1,404,060
Item 273a		
For old age assistance, for hospitalization	$ 89,320	$ 89,320
Item 274		
For old age assistance $6,781,093 the first year, and $6,602,245 the second year, from special revenues.		
Item 275		
For aid to dependent children	$ 1,592,200	$ 1,600,675
Item 275a		
For aid to dependent children, for hospitalization	$ 69,520	$ 69,520

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	First Year	Second Year
Item 276		
For aid to dependent children.....$8,842,070 the first year, and $8,955,710 the second year, from special revenues.		
Item 277		
For aid to the permanently and totally disabled.....	$ 707,100	$ 776,400
Item 277a		
For aid to the permanently and totally disabled, for hospitalization	$ 55,660	$ 55,660
Item 278		
For aid to the permanently and totally disabled...$3,268,475 the first year, and $3,505,075 the second year, from special revenues.		
Item 279		
For general relief	$ 580,200	$ 590,000
Item 280		
The appropriations made by Items 281, 282, and 283 shall be expended, under regulations of the State Board of Welfare and Institutions, to reimburse county and city public welfare boards pursuant to § 63-106 of the Code of Virginia and, subject to the same percentage limitations, for other administrative services performed by county and city public welfare boards and superintendents of public welfare pursuant to other provisions of the Code of Virginia.		
Item 281		
For administration and services.....	$ 903,200	$ 948,400
Item 281a		
For reimbursing counties and cities for a portion of salaries of special case workers for certain aid to dependent children cases	$ 20,900	$ 33,650
It is provided that the funds appropriated in this item shall be used by the State Board of Welfare and Institutions to reimburse one-half of the localities' shares of salaries of special case workers under the following conditions: (1) The case loads of such workers shall be limited solely to aid to dependent children cases; (2) The number of cases and applications for assistance assigned each such worker at any one time shall be no fewer than 50 and no greater than 60 and at least 75% of such cases and applications shall involve illegitimate children; (3) Upon the reduction of the number of applications and cases assigned to a case worker involving illegitimate children below the levels set forth above, reimbursement under this item shall terminate; (4) The local department of public welfare shall furnish such reports and statistics as shall be required by the State Board to the end that a reduction in the case load of such cases may be effected and reimbursement under this item terminated.		
Item 282		
For administration and services.....$1,072,000 the first year, and $1,125,600 the second year, from special revenues.		

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	First Year	Second Year
Item 283		
For child welfare services, each year, from special revenues	$155,000	
Item 284		
For foster care for children	$ 1,412,850	$ 1,562,900
The State Board of Welfare and Institutions shall ascertain the amount of expenditures so made and the Commissioner shall monthly reimburse each county and city public welfare board in an amount not less than 50 per cent, nor more than 62½ per cent, for boarding of children under care pursuant to §§ 63-73, 63-96, 16.1-178(2), 16.1-210, and 16.1-211, of the Code of Virginia.		
Item 285		
For hospitalization of the indigent and medically indigent	$ 832,700	$ 885,300
The appropriations from this item shall be expended in accordance with the provisions of Chapter 15 of Title 32 of the Code of Virginia, as amended. Seven hundred and fifty thousand ($750,000) dollars out of the aggregate appropriations in this item and in Items 273a, 275a, 277a, and 322a shall be allocated to the counties and cities on the basis of population and the remainder shall be set aside as a reserve fund for expenditure as provided in said Chapter.		
Item 285a		
It is hereby provided that any person who, at the time of admission as a patient to the University of Virginia Hospital or the Medical College of Virginia Hospital, is the recipient of financial assistance under any of the provisions of Title 63 of Code of Virginia shall be deemed to have been thereby determined eligible for hospitalization under the provisions of § 32-294, and the provisions of § 32-293.2 shall be applicable in the event payment for hospitalization is not otherwise paid.		
Item 286		
For reimbursing in an amount of 50 per cent for expenditures made by Juvenile and Domestic Relations Courts in counties and cities for salaries of probation officers appointed in the manner provided for, and pursuant to § 16.1-206 of the Code of Virginia	$ 224,000	$ 240,000
Item 287		
For support of feeble-minded children	$ 19,500	$ 19,500
Item 288		
For in-service training for Welfare personnel and for scholarships	$ 17,000	$ 17,000
Item 289		
For support of children committed to the State Board of Welfare and Institutions, from funds and balances of funds made available for such children by parents or other persons, insurance, or other sources, and not out of the general fund of the State treasury, pursuant to § 63-293.2 of the Code of Virginia, a sum sufficient.		
Item 290		
There is hereby reappropriated out of the unexpended balance in the fund for Shenandoah National Park Family Removal Project, the sum of $5,000 for each year of the current biennium for continuation		

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	First Year	Second Year
of the said Shenandoah National Park Family Removal Project.		
Item 291		
For expenditure pursuant to the provisions of §§ 63-109 to 63-111, inclusive, of the Code of Virginia, all monies deducted from funds otherwise payable out of the State treasury to the counties and cities pursuant to the provisions of §§ 63-135 and 63-136, and §§ 63-157 and 63-158 of the Code of Virginia.		
Item 292		
It is hereby expressly provided that none of the provisions of any item of this act, nor of any item or provision of any other act or statute of this State heretofore enacted, or enacted at this session of the General Assembly, shall be interpreted or construed as authorizing the Department of Welfare and Institutions, or any other agency of the State, or of any of its political subdivisions, to make any expenditure of State funds, or to receive or be paid any reimbursement from any State funds or out of any funds in the State treasury, save out of funds actually appropriated for that purpose; nor shall any appropriation or legislative enactment of this or any preceding session of the General Assembly be considered or construed as imposing any obligation whatsoever, moral or legal, upon this General Assembly, or upon any future General Assembly, to make additional appropriation or provide reimbursement funds for localities or for any other purpose in connection with the Department of Welfare and Institutions save the funds actually appropriated for such purpose or purposes at this session.		
Total for Central Activities	$ 9,379,695	$ 9,741,655
Bon Air School for Girls, at Bon Air		
Item 293		
For maintenance and operation of the Bon Air School for Girls, at Bon Air	$ 283,490	$ 287,170
Beaumont School for Boys, at Beaumont		
Item 294		
For maintenance and operation of the Beaumont School for Boys, at Beaumont	$ 494,150	$ 508,415
Janie Porter Barrett School for Girls, at Peaks		
Item 295		
For maintenance and operation of the Janie Porter Barrett School for Girls, at Peaks	$ 222,085	$ 223,955
Hanover School for Boys, at Hanover		
Item 296		
For maintenance and operation of the Hanover School for Boys, at Hanover	$ 446,895	$ 466,445
Study Home for White Boys		
Item 297		
For maintenance and operation of the Study Home for White Boys, in Chesterfield County	$ 101,655	$ 101,505

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	First Year	Second Year
It is hereby provided that this appropriation may be transferred, with the prior written approval of the Governor, to the Beaumont School for Boys, at Beaumont to undertake necessary studies of boys committed to the Board.		

The Penitentiary, at Richmond

Item 298		
For maintenance and operation of the Penitentiary, at Richmond	$ 1,504,805	$ 1,522,715
Out of this appropriation there is hereby appropriated:		
For per diem allowance to prisoners a sum sufficient, estimated at $66,000 each year.		
Item 299		
For transportation of prisoners	$ 10,500	$ 10,500
Total for the Penitentiary, at Richmond	$ 1,515,305	$ 1,533,215

The Penitentiary, at Richmond, Industrial Department

Item 300		
For maintenance and operation of the industrial department of the Penitentiary, at Richmond, to be paid only out of the special revenues collected or received from the operation of said industrial department and paid into the State treasury and not out of the general fund of the State treasury, a sum sufficient, estimated at $2,462,700 the first year, and $2,446,700 the second year.		

State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm

Item 301		
For maintenance and operation of the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm	$ 1,720,665	$ 1,724,460
Out of this appropriation there is hereby appropriated:		
For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $56,000 each year.		
It is hereby provided that the appropriations herein made for the State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, are inclusive of all funds which the said State Penitentiary Farm and State Prison Farm for Defective Misdemeanants would otherwise be entitled to receive during each year of the current biennium, for the purposes stated in the said items, either out of the appropriation for criminal charges or otherwise out of the general fund of the State treasury, any provisions of § 53-98 of the Code of Virginia to the contrary notwithstanding.		

Southampton Penitentiary Farm, at Capron

Item 302		
For maintenance of the prison department	$ 534,100	$ 540,675

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	First Year	Second Year
Out of this appropriation there is hereby appropriated: For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $27,000 each year.		
Item 303		
For operation of farm	$ 120,650	$ 115,550
Item 304		
For operation of brick and solite plants	$ 8,030	$ 8,030
Total for Southampton Penitentiary Farm, at Capron	$ 662,780	$ 664,255
State Industrial Farm for Women, at Goochland		
Item 305		
For treatment and care of delinquent women	$ 611,755	$ 620,655
Out of this appropriation there is hereby appropriated: For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $15,300 each year. It is hereby provided that the appropriation herein made for the State Industrial Farm for Women by this item is inclusive of all funds which the said State Industrial Farm for Women would otherwise be entitled to receive during each year of the current biennium for the purposes stated in the said items, either out of the appropriation for criminal charges or otherwise out of the general fund of the State treasury, any provisions of § 53-98 of the Code of Virginia to the contrary notwithstanding.		
Item 306		
For board and care of infant children of inmates of the State Industrial Farm for Women	$ 2,600	$ 2,645
Item 307		
For maintenance and operation of central laundry number 1, a sum sufficient, estimated at	$ 130,800	$ 136,200
Item 308		
For operation of greenhouse	$ 15,080	$ 15,230
Total for State Industrial Farm for Women, at Goochland	$ 760,235	$ 774,730
Bland Correctional Farm, at White Gate		
Item 309		
For maintenance of the prison department	$ 435,235	$ 440,235
Out of this appropriation there is hereby appropriated: For per diem allowance to prisoners in accordance with § 53-220.1 of the Code of Virginia, a sum sufficient, estimated at $19,735 each year.		
Item 310		
For operation of farm	$ 67,520	$ 70,115

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	First Year	Second Year
Item 311		
For operation of lime plant, to be paid only out of the special revenues derived from the operation of the lime plant and paid into the State treasury and not out of the general fund of the State treasury.....$11,700 the first year, and $11,810 the second year.		
Total for Bland Correctional Farm, at White Gate	$ 502,755	$ 510,350
Item 312		
No assignment to any person or persons, firm, company, corporation, or agency whatsoever, made by any inmate of a State penal institution, of any money or credit received by such inmate, or to which he may become entitled under this act, as a per diem allowance for work performed by such inmate, shall be valid, and any such assignment is hereby expressly prohibited.		
State Convict Road Force		
Item 313		
For maintenance and operation of the State Convict Road Force	$ 440,890	$ 473,390
Item 314		
For the work of the State Convict Road Force, in accordance with the applicable provisions of § 53-58, §§ 53-61 through 53-73, inclusive, §§ 53-100 through 53-123, inclusive, and § 53-109, § 53-109.1, and § 53-221, of the Code of Virginia, to be paid only out of the money paid to the Director of the Department of Welfare and Institutions by the State Highway Commissioner for the labor of convicts employed on the State highway primary and secondary systems and work incidental thereto, including relocation and moving of Convict Road Camps, at local hourly rates for such labor, determined in accordance with the provisions of the aforesaid § 53-109.1 of the Code of Virginia, said payments to be made only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury, a sum sufficient, estimated at.....$2,599,200 each year.		
Item 315		
For maintenance and operation of the State Convict Road Force, to be paid only out of revenues collected by the State Convict Road Force in addition to revenues received from the Department of Highways, and not out of the general fund of the State treasury, a sum sufficient, estimated at.....$221,800 each year.		
Item 316		
All revenues collected from any source by the State Convict Road Force shall be paid promptly and directly into the State Convict Road Force maintenance fund; any funds remaining to the credit of the State Convict Road Force maintenance fund at the close of the biennium shall be paid into the State highway maintenance and construction fund.		
Total for the Department of Welfare and Institutions	$16,530,600	$17,009,545

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VIRGINIA COMMISSION FOR THE VISUALLY HANDICAPPED

	First Year	Second Year
Item 317		
For expenses of administration of the Virginia Commission for the Visually Handicapped	$ 50,500	$ 49,500
Item 318		
For operation of workshop for the blind	$ 51,500	$ 61,000
Item 319		
For operation of workshop for the blind, to be paid only out of special revenues derived from the operation of said shop and paid into the State treasury, and not out of the general fund of the State treasury, the amount of such special revenues estimated at $300,000 each year.		
Item 320		
For conservation of vision and rehabilitation	$ 192,700	$ 197,700
Item 321		
For conservation of vision and rehabilitation, to be paid only out of special revenues to be collected by Virginia Commission for the Visually Handicapped, and paid into the State treasury, and not out of the general fund of the State treasury $50,000 each year.		
Item 322		
For aid to the blind	$ 165,325	$ 165,575
Item 322a		
For aid to the blind, for hospitalization	$ 5,500	$ 5,500
Item 323		
For aid to the blind, to be paid only out of funds received from the Federal government for aid to the blind, and paid into the State treasury, and not out of the general fund of the State treasury, estimated at $639,575 the first year, and $656,825 the second year.		
Item 324		
For vocational rehabilitation of the blind	$ 58,500	$ 60,165
Item 325		
For vocational rehabilitation of the blind, to be paid only out of funds received from the Federal government for such vocational rehabilitation, and paid into the State treasury, and not out of the general fund of the State treasury $117,000 the first year, and $120,335 the second year.		
Item 326		
For expenditure pursuant to the provisions of § 63-108 of the Code of Virginia, all monies deducted from funds otherwise payable out of the State treasury, to the counties and cities pursuant to the provisions of §§ 63-199 and 63-200, of the Code of Virginia, and all monies paid into the State treasury pursuant to § 63-193 of the Code of Virginia.		
Total for the Virginia Commission for the Visually Handicapped	$ 524,025	$ 539,440

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DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

State Hospital Board

Item 327	First Year	Second Year
For general supervision, administration and control of the several State mental hospitals and the State training schools and hospitals	$ 201,200	$ 203,050
It is hereby provided, with the approval of the Governor first obtained, that out of this appropriation a sum not to exceed $10,000 each year may be expended to conduct research in mental health.		
Out of this appropriation the following salary shall be paid:		
Commissioner of mental hygiene and hospitals $18,500		
Item 328		
For operation of Mobile Psychiatric Clinic	$ 57,000	$ 58,600
Item 329		
For collecting cost of care and treatment of patients	$ 95,400	$ 97,900
Item 330		
For mental hygiene clinics	$ 472,300	$ 480,300
Item 331		
For mental hygiene clinics to be paid only out of special revenues, including Federal aid, collected and paid into the State treasury for the said mental hygiene clinics, and not out of the general fund of the State treasury $475,000 the first year, and $490,000 the second year.		
Item 332		
It is hereby provided that the appropriations herein made by Items 330 and 331 for mental hygiene clinics shall not be available for expenditure, either in whole or in part, unless the amounts allocated to the various mental hygiene clinics are based, as nearly as practicable, on a uniform ratio, for each clinic, of State and Federal funds combined to local funds.		
Total for the State Hospital Board	$ 825,900	$ 839,850

Virginia Treatment Center for Children, at Richmond

Item 332a		
For maintenance and operation of Virginia Treatment Center for Children, at Richmond	$ 25,000	$ 328,750

Central State Hospital, at Petersburg

Item 332b		
For maintenance and operation of the Central State Hospital, at Petersburg	$ 5,791,600	$ 5,854,100
Item 332c		
For maintenance and operation of Central State Hospital, at Petersburg, the payments made by Petersburg Training School for food service supplied the School by the Hospital.		
Item 333		
For providing meals for staff and employees	$ 50,500	$ 51,000
Total for the Central State Hospital, at Petersburg	$ 5,842,100	$ 5,905,100

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Petersburg Training School, at Petersburg

Item 334	First Year	Second Year
For maintenance and operation of the Petersburg Training School, at Petersburg	$ 634,600	$ 645,500

Eastern State Hospital, at Williamsburg

Item 335		
For maintenance and operation of the Eastern State Hospital, at Williamsburg	$ 3,270,765	$ 3,323,905
Item 336		
For providing meals for staff and employees	$ 41,120	$ 41,270
Total for the Eastern State Hospital, at Williamsburg	$ 3,311,885	$ 3,365,175

Southwestern State Hospital, at Marion

Item 337		
For maintenance and operation of the Southwestern State Hospital, at Marion. It is provided that out of this appropriation there is hereby appropriated: For payment to Fire Department of Town of Marion $180 each year.	$ 2,140,465	$ 2,184,385
Item 338		
For providing meals for staff and employees	$ 22,450	$ 22,600
Total for the Southwestern State Hospital, at Marion	$ 2,162,915	$ 2,206,985

Western State Hospital, at Staunton

Item 339		
For maintenance and operation of the Western State Hospital, at Staunton	$ 3,660,540	$ 3,786,110
Item 340		
For providing meals for staff and employees	$ 36,020	$ 36,720
Total for the Western State Hospital, at Staunton	$ 3,696,560	$ 3,822,830

DeJarnette State Sanatorium, at Staunton

Item 341

For maintenance and operation of the DeJarnette State Sanatorium, at Staunton, in accordance with the provisions of §§ 37-17 as amended and 37-18 through 37-22, inclusive, of the Code of Virginia, to be paid only out of the special revenues collected or received from the operation of said sanatorium and paid into the State treasury, and not out of the general fund of the State treasury $522,050 the first year, and $528,100 the second year.

Lynchburg Training School and Hospital, at Colony

Item 342		
For maintenance and operation of the Lynchburg Training School and Hospital, at Colony	$ 3,719,725	$ 3,819,075
Item 343		
For providing meals for staff and employees	$ 20,000	$ 20,000

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	First Year	Second Year
Total for the Lynchburg Training School and Hospital, at Colony	$ 3,739,725	$ 3,839,075
Total for the Department of Mental Hygiene and Hospitals	$20,238,685	$20,953,265

VIRGINIA STATE LIBRARY

Item 344

For maintenance and operation of the Virginia State Library ..... $ 398,830 $ 401,380

It is provided that the special revenues collected for records management services shall be paid into the general fund of the State treasury.

Item 345

For acquiring, preserving and publishing records and books, including the microfilming of newspapers and records ..... $ 117,500 $ 117,500

Item 346

For erecting and replacing highway historical markers in accordance with the provisions of § 42-66.1 and § 42-66.2 of the Code of Virginia ..... $ 2,700 $ 500

It is hereby provided that out of this appropriation there shall be expended not exceeding $200 each for the erection of historical markers for St. John's Episcopal Church in Nansemond County, "Operation Torch" at Norfolk City, School for the Deaf and the Blind at Staunton City, Mary Baldwin College at Staunton City, Norfolk County Courthouse at Portsmouth City, and Crawford House at Portsmouth City.

Item 347

For State aid to public libraries in accordance with the provisions of §§ 42-24 to 42-32 of the Code of Virginia ..... $ 175,000 $ 175,000

Item 348

For aid to public libraries, to be paid only out of funds received from the Federal government for this purpose, and not out of the general fund of the State treasury ..... $164,030 each year.

Total for Virginia State Library	$ 694,030	$ 694,380

VIRGINIA MUSEUM OF FINE ARTS

Item 349

For developing, interpreting and conserving the Virginia Museum visual arts ..... $ 315,145 $ 325,555

It is provided that no part of this appropriation from the general fund shall be expended in the maintenance and operation of theatrical productions.

It is further provided that this appropriation from the general fund shall be in addition to any appropriation from special funds, notwithstanding any contrary provision of this act.

Item 350

For developing, interpreting and conserving the visual arts, the membership dues and other revenues collected for the operation of said museum, and donations made therefor, and paid into the State treasury, estimated at ..... $94,550 the first year, and $95,550 the second year.

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	First Year	Second Year
Item 351		
It is hereby provided that all monies, fees and revenues collected by the Virginia Museum of Fine Arts for current expenses in conducting the Museum constitute the museum operation fund and upon receipt thereof, shall be paid promptly into the State treasury to the credit of said fund; unexpended balances in such collections from the previous biennium shall be transferred to said fund.		
Item 352		
For maintenance of Gari Melchers Memorial	$ 9,300	$ 9,500
Item 353		
For maintenance of Gari Melchers Memorial, from revenues collected from interest on endowment or from the operation of said memorial, or donated therefor, and paid into the State treasury, estimated at $750 each year.		
Total for Virginia Museum of Fine Arts	$ 324,445	$ 335,055

PUPIL PLACEMENT BOARD

Item 354		
For administration of Pupil Placement Act	$101,750	$ 102,350

DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

It is hereby established that the appropriations made in Items 365, 366 and 367 are in discharge of the directions found in Section 135 of the Constitution of Virginia, that the General Assembly shall apply certain sums, revenues and taxes to the schools of the primary and grammar grades. It is further provided that the appropriations made in Items 355, 360, 363, and 364 are in discharge of the directions to the General Assembly contained in Section 129 of the Constitution of Virginia. It is further provided that all other appropriations herein made to the State Board of Education for school purposes are solely in discharge of the permissive authority conferred upon the General Assembly by Section 135 of the Constitution of Virginia to make such other appropriations for school purposes as it may deem best, to be apportioned on a basis to be provided by law.

Item 355		
For expenses of administration of the State Board of Education, including the payment of premiums on official bonds in accordance with the provisions of § 2-8 of the Code of Virginia	$ 201,750	$ 198,750
Out of this appropriation shall be paid the following salary:		
Superintendent of Public Instruction (without fees, the fees collected by him to be paid into the general fund of the State treasury) $18,000		
Item 356		
For research, planning and testing	$ 621,000	$ 627,250
Out of this appropriation there shall be set aside $117,000 each year of the biennium for State aid to the localities for guidance positions, to be expended, in addition to Federal aid, under rules and regulations promulgated by the State Board of Education.		

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Item 357	First Year	Second Year
For teacher education and teaching scholarships for the public free schools, an amount not to exceed	$ 884,165	$ 882,880
Out of this appropriation there shall be set aside for teacher scholarships, to be apportioned under rules and regulations of the State Board of Education with the prior written approval of the Governor $800,000 each year.		

Item 358

For general undergraduate scholarships and undergraduate loans, for Virginia residents attending State supported institutions of higher learning	$ 180,000	$ 320,000

It is provided that this appropriation is to be apportioned under rules and regulations of the State Board of Education, with the prior written approval of the Governor, after giving appropriate consideration to applicants' need, scholastic ability and accomplishment, and character.

It is further provided that the State Board of Education, with the prior written approval of the Governor, may transfer from this item, to a departmental activity it designates, a sum required to administer the provisions of this item and of Item 359.

It is further provided that the Governor may transfer from this appropriation for the 2nd year the sum of $50,000 to the State Education Assistance Authority to be expended as provided by law.

It is further provided that the Governor may transfer from this appropriation the sum of $12,000 to the State Education Assistance Authority to be expended for the administration of such authority.

Item 359

It is hereby provided the State Board of Education shall administer, in the place of the State Council for Higher Education, the loans and scholarships granted pursuant to Item 180-A of Chapter 642, Acts of Assembly of 1958, as amended. The State Board of Education is hereby empowered, with the prior written approval of the Governor, to amend the rules and regulations heretofore adopted by the Council relative to these loans and scholarships.

It is further provided that any unexpended balance at the close of the current biennium in the cited Item 180-A shall be reappropriated and added to Item 358; and that any repayment of monies from the appropriation made by the cited Item 180-A shall be added to the appropriation in Item 358.

Item 360

For State supervision	$ 313,775	$ 459,165

Item 361

For production of motion picture films	$ 37,850	$ 38,050

Item 362

For production of motion picture films, to be paid only from funds derived by the State Board of Education from the production of such films and paid into the State treasury, and not out of the general fund of the State treasury $17,050 each year.

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Item 363	First Year	Second Year
For local administration aid (salaries of division superintendents)	$ 280,000	$ 280,000

This appropriation shall be expended for salaries of division superintendents under the conditions set forth in § 22-37, as amended, of the Code of Virginia.

Item 364		
For aid in the establishment and maintenance of local supervision of instruction in elementary and high schools, including visiting teachers, to be apportioned among such schools by the State Board of Education	$ 752,700	$ 752,700

Item 365		
For the schools of the primary and grammar grades, for the equal benefit of all the people of the State, to be apportioned and distributed to each School Board in this State on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment in accordance with the provisions of Section 135 of the Constitution of Virginia; (a) the proceeds from annual interest payments to the Literary Fund, estimated at $1,478,000 the first year and $1,575,000 the second year, and (b) that portion of the actual collections of special taxes segregated by Section 135 of the Constitution of Virginia estimated at $1,350,000 the first year and $1,350,000 the second year; provided that no part of this appropriation shall be paid out of the general fund of the State Treasury.		

Item 366		
For the schools of the primary and grammar grades, for the equal benefit of all the people of the State, to be apportioned and distributed to each School Board in this State on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment; an amount equal to the total that would be received from an annual tax on the property in this State of one mill on the dollar, estimated at	$ 7,250,000	$ 7,500,000

Item 367		
For basic appropriation for Teachers' Salaries	$52,620,750	$63,583,950

It is provided that in the apportionment of this sum, the sums which have been or will be received by the respective Counties and Cities under Items 365 and 366 shall be considered as if they had been received under this item.

It is provided, further, that the total of this sum shall be apportioned to the public schools by the State Board of Education under rules and regulations promulgated by it to effect the following provisions:

a. The apportionment shall be on the basis of the following amounts, as applicable, per State aid teaching position:

(1) for each such position added after July 1, 1960, 75% of the salary paid the incumbent of a State aid teaching position pursuant to the salary schedule established under paragraph (f) below.

(2) for each other State aid teaching position which is occupied by a teacher having a collegiate professional certificate (or equivalent) and eight or more years of experience or by a

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	First Year	Second Year
teacher having a normal professional certificate (or equivalent) and twelve or more years of experience—		
$1,900 in the first year and $2,100 in the second year; and		
(3) for each other State aid teaching position which is occupied by a teacher having a collegiate professional certificate (or equivalent) and seven or less years of experience or by a teacher having a normal professional certificate (or equivalent) and eleven or less years of experience—		
$2,350 in the first year and $2,700 in the second year.		

It is provided, however, that no payment from this item for a State aid teaching position shall exceed two-thirds of the salary paid the incumbent of a State aid teaching position when the total salary of such incumbent is less than the amount of State aid available for each State aid teaching position. For purposes of this act, "State aid teaching position" is defined as one teaching position for each thirty (30) pupils in average daily attendance in the elementary grades and one teaching position for each twenty-three (23) pupils in average daily attendance in the high school grades. The average daily attendance figures used in the apportionment of this item shall be those of the school year falling within the fiscal year for which the appropriation is made.

b. No apportionment from this item shall be made to any county or city for State aid teaching positions in excess of the number of such positions in which teachers are actually employed; provided, however, that in exceptional circumstances and in the discretion of the State Board of Education, a county or city may employ fewer teachers than the number of assigned State aid teaching positions allotted in accordance with paragraph a.

c. No apportionment from this item shall be made to any county or city except for payment of salaries of teachers or other instructional personnel in the public schools, or for payment of tuition in lieu of teacher or other instructional salaries under rules and regulations of the State Board of Education.

d. The annual expenditure of funds, derived from local sources, for instruction in the public schools shall not be less than the annual expenditure made from local sources for such instruction for the second school year in the previous biennium. However, if a county or city has established and maintains a salary schedule for teachers and other instructional personnel satisfactory to the State Board of Education, the expenditure, derived from local funds, for the salaries of teachers and other instructional personnel may be reduced below such expenditures for the second school year in the previous biennium, provided the reduction and the amount of reduction are approved by the State Board of Education. Also, a county or city may reduce such expenditure in exceptional circumstances due to a substantial loss in average daily

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First Year Second Year

attendance of pupils in the county or city, or in other exceptional local conditions, provided the reduction and the amount of reduction are approved by the State Board of Education.

e. The county or city shall pay from local funds at least thirty per cent (30%) of the total amount expended for salaries of teachers and other instructional personnel. However, a county or city shall be permitted by the State Board of Education to pay not less than twenty per cent (20%) of such amount if the county or city provides a levy or cash appropriation or a combination of both for schools, which, when converted to an equivalent true tax rate, is as great as the average of all county or all city levies or cash appropriations or a combination of both such levies and appropriations for schools converted to an equivalent true tax rate; in converting a levy or cash appropriation or a combination of both for schools to an equivalent true tax rate, ratios of assessed valuations to true values used shall be such ratios determined by the State Tax Commissioner for the tax year 1950. For such counties or cities, the State Board of Education shall determine the per cent of local contribution, in no instance less than twenty per cent (20%) of the total amount expended for salaries of teachers and other instructional personnel.

f. A minimum salary schedule for teachers and other instructional personnel, satisfactory to the State Board of Education and approved by the Governor, shall be put into effect.

g. If any municipality annexes any portion of any county or counties, the State Board of Education shall make such equitable adjustment of the funds which would otherwise have gone to either as is in its opinion justified by the peculiar condition created by such annexation, and order distribution of such funds according to its findings. This provision shall not apply if a court of competent jurisdiction makes such adjustment and orders such distribution.

h. Allotments of funds from this item shall be paid to a county or city only after submission of evidence satisfactory to the State Board of Education that the amount for which the allotment is claimed has been or will be expended for the purpose designated and in full compliance with the terms and conditions set forth pursuant to this item.

i. It is further provided that the State Board of Education with the approval of the Governor may make such equitable adjustment in the distribution of this fund as may be necessary due to a substantial loss in average daily attendance of pupils in any county, city or town. The average daily attendance data for such county, city or town for the previous year may be used in making this adjustment.

It is further provided that in the event the total of the sums set forth in Items 365, 366 and 367 exceeds the amount necessary to make the apportionments required by this item, any balance remaining may, upon request by the State Board of Education,

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	First Year	Second Year
and with the prior written approval of the Governor, be transferred and added to the sums set forth in Item 369 or in Item 375, or in both.		

Item 368

For salary equalization ..... $ 8,655,456 $ 8,655,456

a. It is provided that the State Board of Education shall pay from the sums provided by this item to each county and city an amount equal to that paid for the year ending June 30, 1958, from Item 137, Chapter 716, Acts of Assembly of 1956.

b. It is provided further that the State Board of Education shall make no distribution from this item to any county or city which has not first complied with the conditions stated in paragraphs c-h, inclusive, of Item 367 and in paragraph b of Item 369.

Item 369

For providing a minimum educational program..... $ 8,600,000 $ 9,245,000

A county or city, which meets the requirements stated below is eligible, subject to rules and regulations promulgated by the State Board of Education, to receive an apportionment from this item to provide sufficient monies to operate a minimum educational program; a minimum educational program is defined as expenditure for school operation of not less than one hundred and seventy dollars nor more than two hundred dollars, as promulgated by the State Board of Education, per pupil in average daily attendance. To be eligible for an apportionment from this item, a county or city must:

a. Have projected, in the opinion of the State Board of Education, a well-planned educational program, and

b. Have expended from local sources for school operation, exclusive of capital outlay and debt service, an amount equivalent to a uniform tax levy of fifty cents per one hundred dollars ($100) of true valuation of local taxable wealth within such county or city. The true valuation of local taxable wealth used for this purpose shall be that determined by the State Department of Taxation for the tax year 1950.

c. Be still unable, with the amount thus provided from local sources, other available State apportionments for the public free schools, and Federal funds (not including capital outlay), to provide a minimum education program as defined above.

It is further provided that the State Board of Education may, in its discretion, apply eligibility requirements and compute allocations from this fund separately for any town school district operated by a school board of not more than five members, and the county in which such town is located.

If the amounts set forth in Items 365-367, inclusive, are not sufficient for the purposes described therein, the State Board of Education with the prior written approval of the Governor, may transfer to Item 367 from this Item, such sums as may be deemed proper.

If the amount provided by this item is insufficient to meet the entire needs of those counties and cities which qualify for apportionments as herein provided,

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	First Year	Second Year
the amount shall be distributed to such counties and cities on a pro rata basis. No county or city shall receive from the total appropriation under this item more than two hundred and fifty thousand dollars during either year of the current biennium.		
Item 370		
For special education	$ 833,325	$ 891,875
Out of this appropriation there shall be set aside $765,500 the first year and $822,950 the second year for State aid to localities. From the amount set aside for State-aid to localities the State Board of Education may, in its discretion expend an amount not to exceed $5,000 each year of the biennium to provide: For the education of children handicapped because of aphasia at an out-of-state school; and for instruction of Virginia children temporarily hospitalized in hospitals of neighboring states.		
Item 371		
For vocational education and to meet Federal aid	$ 5,081,150	$ 5,464,650
Out of this appropriation there shall be set aside $4,516,000 the first year and $4,892,500 the second year for State aid to localities.		
Item 372		
For vocational education, including State aid to localities, the funds received from the Federal government for vocational education, provided that no part of this appropriation shall be paid out of the general fund of the State treasury, estimated at $1,084,000 each year. It is provided that a sum, not less than $5,000 each year, be transferred from this appropriation to the general fund of the State treasury as a proportionate share of the administrative expenses of the State Board of Education.		
Item 373		
For aid in local adult education	$ 40,000	$ 40,000
Item 374		
For pupil transportation	$ 5,705,800	$ 5,891,500
This appropriation shall be distributed as reimbursement for costs of pupil transportation under rules and regulations to be prescribed by the State Board of Education; provided no county or city shall receive an allotment in excess of the amount actually expended for transportation of pupils to and from the public schools, exclusive of capital outlay; provided, further, that if the funds appropriated for this purpose are insufficient, the appropriation shall be prorated among the counties and cities entitled thereto.		
Item 375		
For a discretionary fund to be disbursed under the rules and regulations of the State Board of Education	$ 100,000	$ 100,000
It is provided that the State Board of Education may make apportionments from this discretionary fund only under the following conditions: (1) For the purpose of aiding certain counties to		

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	First Year	Second Year
operate and maintain a nine-month school term: satisfactory assurances must be given to the State Board of Education that (a) without aid from this fund the county is unable from local funds and other State funds to operate and maintain a nine-month school term, (b) maximum local funds for instruction, operation, and maintenance have been provided, and (c) such local funds, with other State funds apportioned to said county, and aid from this appropriation will enable the schools in said county to be operated and maintained for a term of not less than nine months. (2) For the purpose of aiding those counties and/or cities which are experiencing extraordinary continuing increases in average daily attendance, thereby requiring employment of additional teachers in excess of the number anticipated on the basis of average daily attendance of pupils enrolled during the preceding school year.		
Item 376		
For sick leave with pay for teachers in the public free schools, to be expended in accordance with regulations of the State Board of Education, subject to the prior written approval of the Governor	$ 330,000	$ 363,000
Item 376a		
For reimbursement to each local school board of the actual employer's Social Security payments made by it, on behalf of teachers, to the Contribution Fund pursuant to Chapter 3.1, Title 51, Code of Virginia, a sum sufficient, estimated at	$ 4,508,870	$ 4,914,665
Item 376b		
To provide for the payment of increased retirement compensation to certain retired teachers and beneficiaries thereof, in accordance with the provisions of §§ 51-111.69 and 51-111.70, Code of Virginia, there is hereby appropriated out of the general fund of the treasury to Trust Fund B, established by § 51-111.68, Code of Virginia	$ 421,720	$ 411,175
Item 376c		
For the State contribution, on behalf of teachers, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia	$ 5,659,475	$ 6,369,845
Item 376d		
For the State contribution, on behalf of teachers, to the retirement allowance account as provided by Chapter 3.2, Title 51, of the Code of Virginia, to be paid from the principal of the literary fund in excess of $10,000,000, the sum of $1,465,000 each year.		
Item 376e		
For the State contribution on behalf of teachers who participate in group insurance under the provisions of House Bill 134 as enacted by the General Assembly of 1960, a sum sufficient, estimated at	$ 221,580	$ 244,780
Item 377		
For providing free text books only	$ 245,000	$ 245,000

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Item 378	First Year	Second Year
For maintenance of libraries and other teaching material in public schools	$ 633,550	$ 669,300
Out of this appropriation there shall be set aside $463,250 the first year and $498,000 the second year for State aid to localities.		
Item 379		
For maintenance of libraries and other teaching materials in public schools, the funds received from localities, and paid into the State treasury.		
Item 379a		
For the purpose of reimbursing localities on a fifty-fifty matching basis for the purchase of science, mathematics, and foreign language equipment, to be expended under rules and regulations of the State Board of Education	$ 125,000	$ 125,000
Item 380		
For industrial rehabilitation	$ 626,013	$ 668,248
Item 381		
For industrial rehabilitation to be paid only from funds received from the Federal government and from local contributions for any such rehabilitation and not out of the general fund of the State treasury, estimated at $1,339,137 the first year, and $1,423,862 the second year.		
Item 382		
For industrial rehabilitation to be paid from the fund for the administration of the Workmen's Compensation Act and not out of the general fund of the State treasury $17,000 each year.		
Item 383		
Out of the appropriations in Items 380-382, inclusive, may be paid medical, prosthetic and training expenses for rehabilitees.		
Item 384		
For placement and training of veterans in business establishments	$ 7,495	$ 7,425
Item 385		
For placement and training of veterans in business establishments, to be paid only out of funds received from the Federal government for this purpose, and not out of the general fund of the State treasury $67,500 each year.		
Item 386		
For the education of orphans of soldiers, sailors and marines who were killed in action or died, or who are totally and permanently disabled as a result of service during the World War	$ 27,750	$ 30,000
It is provided that the sum hereby appropriated shall be expended for the sole purpose of providing for tuition, institutional fees, board, room rent, books and supplies, at any educational or training institution of collegiate or secondary grade in the State of Virginia, approved in writing by the Superintendent of Public Instruction, for the use and benefit of the		

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	First Year	Second Year
children not under sixteen and not over twenty-five years of age, either of whose parents was a citizen of Virginia at the time of entering war service and was killed in action or died from other causes in World War I extending from April 6, 1917, to July 2, 1921, or in any armed conflict subsequent to December 6, 1941, while serving in the army, navy, marine corps, air force or coast guard of the United States, either of whose parents was, or is, or may hereafter become totally and permanently disabled due to such service during either such period, whether such parents be now living or dead.		
Such children, upon recommendation of the Superintendent of Public Instruction, shall be admitted to State institutions of secondary or college grade, free of tuition.		
The amounts that may be, or may become, due hereunder by reason of attendance at any such educational or training institution, not in excess of the amount specified hereinafter shall be payable from this appropriation hereby authorized on vouchers approved by the Superintendent of Public Instruction.		
The Superintendent of Public Instruction shall determine the eligibility of the children who may make application for the benefits provided for herein; and shall satisfy himself of the attendance and satisfactory progress of such children at such institutions and of the accuracy of the charge or charges submitted on account of the attendance of any such children at any such institution, provided, that neither said Superintendent nor any member of the State Board of Education, nor any official or agent or employee thereof, shall receive any compensation for such services.		
Not exceeding four hundred dollars shall be paid hereunder for any one child for any one school year; and no child may receive benefits of this or similar appropriations for a total of more than four school years.		
This amendment shall not operate to divest any such child of any such scholarship now holding any such scholarship under this act except that the four-year limitation herein provided for shall apply to any scholarship heretofore issued.		
Item 387		
For twelve months' principals	$ 346,500	$ 364,000
Item 388		
For the acquisition and distribution of surplus equipment, to be paid only from funds derived by the State Board of Education from such acquisition and distribution of the said equipment and paid into the State treasury, and not out of the general fund of the State treasury	$144,700 the first year, and $147,200 the second year.	
Item 388a		
To establish in cooperation with State institutions of higher learning and local school authorities an in-service training program for public school teachers for tuition for their participation in college courses, workshops, and/or institutes conducted under college supervision within a locality, or on a regional basis	$ 55,000	$ 55,000

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	First Year	Second Year
It is provided that this appropriation shall be administered under rules and regulations of the State Board of Education for courses in teachers' subject matter fields, including training for instruction in the basic principles underlying our economic system, and/or to meet revised certification standards for the purpose of upgrading instruction in the areas of the State where the need is greatest, and providing refresher courses in certain fields.		
Item 388b		
For payment of costs of summer institutes to be conducted by State institutions of higher learning in cooperation with the State Department of Education during the summers of 1960 and 1961; such institutes to be conducted in the fields of teaching by the use of educational television, guidance, science, mathematics, and foreign languages, and to be expended under rules and regulations of the State Board of Education	$ 72,000	$ 72,000
Item 389		
The State Board of Education shall make rules and regulations governing the distribution and expenditure of such additional Federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.		
Total for the State Board of Education	$105,437,674	$119,470,664

Woodrow Wilson Rehabilitation Center

Item 390		
For maintenance of Woodrow Wilson Rehabilitation Center, under supervision of the State Superintendent of Public Instruction, to be paid only out of the special revenues derived from the operation of the said Center, and paid into the State treasury, and not out of the general fund of the State treasury $805,925 the first year, and $830,025 the second year.		
It is further provided that, with the prior written approval of the Governor, the above appropriations for maintenance and operation may be increased by an amount not exceeding any special revenue collections in excess of the sums listed above.		

Virginia State College, at Petersburg

Item 391		
For maintenance and operation of the Virginia State College, at Petersburg	$ 1,900,675	$ 1,941,075
It is provided that out of this appropriation there is hereby appropriated:		
For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.		
Item 392		
For medical scholarships, not exceeding	$ 10,000	$ 10,000
Item 393		
For dental scholarships, attendance to be at Meharry Medical College, or other college offering such courses	$ 2,000	$ 2,000
Item 394		
For making loans to students	$ 3,500	$ 3,500

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	First Year	Second Year
Item 395		
For equalization of higher educational opportunities	$ 185,000	$ 185,000
Item 396		
For contracts with Meharry Medical College and Tuskegee Institute	$ 64,500	$ 64,500
Item 397		
For maintenance and operation of the Virginia State College, at Petersburg, to be paid only from the special revenues collected or received for the use of the said Virginia State College, and paid into the State treasury, and not out of the general fund of the State treasury $1,611,000 the first year, and $1,645,000 the second year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in effect by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto, a sum sufficient, estimated at $140,000 the first year, and $126,600 the second year.		
Total for Virginia State College, at Petersburg	$ 2,165,675	$ 2,206,075
Virginia State College, at Petersburg, Norfolk Division		
Item 398		
For maintenance and operation of an extension division of the Virginia State College, at Norfolk	$ 676,110	$ 718,950
Item 399		
For maintenance and operation of an extension division of the Virginia State College, at Norfolk, to be paid only from the special revenues collected or received for the use of the said Norfolk Division, and paid into the State treasury, and not out of the general fund of the State treasury $702,090 the first year, and $751,650 the second year.		
Total for Virginia State College, at Petersburg, including Norfolk Division	$ 2,841,785	$ 2,925,025
Longwood College, at Farmville		
Item 400		
For maintenance and operation of Longwood College, at Farmville	$ 685,410	$ 724,310
Item 401		
For maintenance and operation of Longwood College, at Farmville, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury $851,100 the first year, and $894,600 the second year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the		

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	First Year	Second Year

sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in effect by § 23-30, and 23-21 of the Code of Virginia, or with any amendments thereto.....$49,200 the first year, and $48,100 the second year.

Madison College, at Harrisonburg

Item 402

For maintenance and operation of Madison College, at Harrisonburg ..... $ 818,340 $ 849,210

Item 403

For maintenance and operation of Madison College, at Harrisonburg, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury.....$1,235,515 the first year, and $1,235,515 the second year.

Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in effect by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, or with any amendments thereto.....$67,000 the first year, and $64,175 the second year.

Virginia State School, at Newport News

Item 404

For maintenance and operation of the Virginia State School, at Newport News ..... $ 447,275 $ 470,695

Item 405

For maintenance and operation of the Virginia State School, at Newport News, to be paid only from special revenues collected by the Virginia State School, at Newport News, and paid into the State treasury, and not out of the general fund of the State treasury .....$21,500 each year.

VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND, AT STAUNTON

Item 406

For maintenance and operation of the Virginia School for the Deaf and the Blind, at Staunton ..... $ 919,465 $ 915,745

Item 407

For maintenance and operation of the Virginia School for the Deaf and the Blind, at Staunton, to be paid only out of special revenues collected or received for use of said Virginia School for the Deaf and the Blind, and paid into the State treasury and not out of the general fund of the State treasury.....$56,730 each year.

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STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Item 408	First Year	Second Year
For providing for the coordination of the State-supported system of higher education	$ 62,130	$ 50,590

Provided, however, that no expenditure of this appropriation shall be made for the coordination of institution budgets as set forth in § 23-9.9 of the Code of Virginia.

THE COLLEGES OF WILLIAM AND MARY

Item 408a

For maintenance and operation of the office of the chancellor ..... $ 30,000

College of William and Mary in Virginia, at Williamsburg

Item 409

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg ..... $ 1,427,814 $ 1,498,064

It is provided that out of this appropriation there is hereby appropriated:

For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.

Item 410

It is provided that no expenditure for lectures and entertainments shall be made by the College of William and Mary in excess of the amounts obtained by the College for providing such lectures and entertainments.

Item 411

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, to be paid only from the special revenues collected or received for the use of said College of William and Mary, and paid into the State treasury, and not out of the general fund of the State treasury ..... $2,279,550 each year.

Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid College of William and Mary, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in effect by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto ..... $134,000 each year.

College of William and Mary in Virginia, at Williamsburg, Norfolk Division

Item 412

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Norfolk Division ..... $ 599,000 $ 633,800

Item 413

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Norfolk Division, to be paid only from the special revenues collected or received for the use of the said Norfolk Division, and paid into the State treasury, and not out

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	First Year	Second Year
of the general fund of the State treasury	$1,114,300	

the first year, and $1,186,650 the second year.

Item 414

It is provided that no expenditure for the teaching of four-year courses at the Norfolk Division of the College of William and Mary shall be made except with the prior approval of the General Assembly.

College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute

Item 415

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute	$ 473,000	$ 497,000

Item 416

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Richmond Professional Institute, to be paid only from the special revenues collected or received for the use of the said Richmond Professional Institute, and paid into the State treasury and not out of the general fund of the State treasury ..... $ 1,275,628

the first year, and $1,318,028 the second year.

College of William and Mary in Virginia, at Williamsburg, Petersburg Division

Item 416a

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Petersburg Division	$ 117,100	$ 90,000

Item 416b

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Petersburg Division, to be paid only from the special revenues collected or received for use of said Petersburg Division, and paid into the State treasury and not out of the general fund of the State treasury $60,000 the second year.

College of William and Mary in Virginia, at Williamsburg, Newport News Division

Item 416c

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Newport News Division		$ 62,000

Item 416d

For maintenance and operation of the College of William and Mary in Virginia, at Williamsburg, Newport News Division, to be paid only from the special revenues collected or received for use of said Newport News Division, and paid into the State treasury and not out of the general fund of the State treasury $101,500 the first year, and $85,400 the second year.

MEDICAL COLLEGE OF VIRGINIA, AT RICHMOND

College Division

Item 417

For maintenance and operation of the Medical College of Virginia, at Richmond, College Division	$ 1,906,765	$ 1,987,740

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	First Year	Second Year
Item 418		
For making loans to students	$ 1,000	$ 1,000
Item 419		
For post graduate education—medicine	$ 11,000	$ 11,000
Item 420		
For post graduate education—dentistry	$ 5,000	$ 5,000
Item 421		
For medical scholarships	$ 23,000	$ 23,000
Item 422		
For dental scholarships	$ 6,000	$ 6,000
Item 423		
For nursing scholarships	$ 2,000	$ 2,000
Item 424		
For maintenance and operation of the Medical College of Virginia, at Richmond, College Division, including interest and sinking fund payments on the bonded debt of said college division, to be paid only from special revenues collected or received for the use of said Medical College of Virginia, College Division, and paid into the State treasury, and not out of the general fund of the State treasury $1,226,795 the first year, and $1,195,795 the second year.		
Item 425		
For students' hospitalization to be paid out of the special revenues collected, or received, for the use of the said Medical College of Virginia, College Division, and paid into the State treasury, and not out of the general fund of the State treasury $56,000 each year.		
Total for the Medical College of Virginia, at Richmond, College Division	$ 1,954,765	$ 2,035,740

Medical College of Virginia, at Richmond, Hospital Division

Item 426		
For maintenance and operation of the Medical College of Virginia, at Richmond, Hospital Division, including free treatment, care and maintenance of indigent Virginia patients	$ 2,712,760	$ 2,864,290
Item 427		
For maintenance and operation of the Medical College of Virginia, Hospital Division, including interest and sinking fund payments on the bonded debt of said hospital division, to be paid only from special revenues collected or received for said hospital division, and paid into the State treasury, and not out of the general fund of the State treasury $6,686,800 the first year, and $6,739,000 the second year.		

UNIVERSITY OF VIRGINIA, AT CHARLOTTESVILLE

Item 428		
For maintenance and operation of the University of Virginia, at Charlottesville	$ 4,698,255	$ 4,761,455

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Item 429	First Year	Second Year
For maintenance of extension school	$ 133,000	$ 138,000

Item 430

For student scholarships ..... $ 10,000 $ 10,000

The Rector and Visitors of the University of Virginia shall have authority, with the consent of the Governor, to furnish from funds appropriated to the University by the General Assembly, monies for the creation of scholarships to be given graduates of Virginia high schools who meet the scholastic qualifications laid down by the Board.

Item 431

For medical scholarships ..... $ 20,000 $ 20,000

Item 432

For maintenance and operation of the University of Virginia, at Charlottesville, to be paid only from special revenues collected or received for the use of said University of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury ..... $3,191,800 the first year, and $3,190,800 the second year.

Out of the appropriations in this item it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid University of Virginia and to constitute the sinking fund in accordance with the provisions of §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in effect by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, and in accordance with the provisions of § 23-67 of the Code of Virginia, or with any amendments thereto, estimated at ..... $51,300 the first year, and $50,500 the second year out of the special revenues collected or received for the use of the said University of Virginia, and paid into the State treasury, and not out of the general fund of the State treasury.

Item 433

For student health, to be paid only out of the special revenues collected or received by the University of Virginia for student health activities, and paid into the State treasury, and not out of the general fund of the State treasury ..... $112,700 the first year, and $113,700 the second year.

Item 434

For maintenance of extension school, to be paid only from special revenues collected or received for the use of said activities, and paid into the State treasury, and not out of the general fund of the State treasury ..... $540,000 each year.

Item 435

For Clinch Valley College ..... $ 114,000 $ 119,000

Item 436

For Clinch Valley College, to be paid only from the special revenues collected or received for the maintenance of said Clinch Valley College, and paid into the State treasury, and not out of the general fund of the

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	First Year	Second Year
State treasury ..... $80,000 each year.		
Item 437		
For northern Virginia branch college	$ 70,500	$ 69,500
Item 438		
For northern Virginia branch college, to be paid only from the special revenues collected or received for the maintenance of said northern Virginia branch college, and paid into the State treasury, and not out of the general fund of the State treasury ..... $28,000 the first year, and $36,000 the second year.		
Total for the University of Virginia, at Charlottesville	$ 5,045,755	$ 5,117,955

University of Virginia, at Charlottesville, Hospital Division

Item 439		
For maintenance and operation of the University of Virginia, at Charlottesville, Hospital Division, including free treatment, care and maintenance of indigent Virginia patients	$ 1,766,580	$ 1,751,720
Item 440		
For maintenance and operation of the University of Virginia, at Charlottesville, Hospital Division, to be paid only from special revenues received for the use of the said Hospital Division and paid into the State treasury, and not out of the general fund of the State treasury ..... $3,163,700 the first year, and $3,474,100 the second year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the existing interest bearing debt of the said Hospital Division and to constitute the sinking fund, estimated at ..... $8,535 the first year, and $5,255 the second year.		

Mary Washington College, of the University of Virginia, at Fredericksburg

Item 441		
For maintenance and operation of Mary Washington College, of the University of Virginia, at Fredericksburg ...	$ 399,145	$ 434,845
Item 442		
For maintenance and operation of Mary Washington College, of the University of Virginia, at Fredericksburg, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury ..... $1,875,555 each year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto, estimated		

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	First Year	Second Year
at ..... $55,000 each year.		

VIRGINIA POLYTECHNIC INSTITUTE, AT BLACKSBURG

Item 443

For maintenance and operation of the Virginia Polytechnic Institute, at Blacksburg ..... $ 3,205,825 $ 3,250,015

It is provided that out of this appropriation there is hereby appropriated:

For the purpose of meeting the requirements of the Federal Smith-Hughes Act, a sum sufficient.

It is further provided that out of this appropriation there is hereby appropriated $10,000 each year for providing scholarships for needy Virginia youth, and an additional $10,000 each year for Virginia forestry students at out-of-State institutions.

Item 444

For improvement in instruction in forestry ..... $ 47,000 $ 25,000

Out of this appropriation it is provided that there is hereby appropriated:

For equipment the first year $22,000

For additional staff (2 men and secretarial help) $16,000

the first year, and $16,000 the second year.

For supplies, material and operations ..... $ 9,000

the first year, and $9,000 the second year.

Item 445

For regional education in veterinary medicine, to be expended in accordance with contract agreement between State of Virginia and Board of Control for Southern Regional Education ..... $ 61,500 $ 70,500

Item 446

For making loans to students ..... $ 1,500 $ 1,500

Item 447

For maintenance and operation of the Virginia Polytechnic Institute, at Blacksburg, to be paid only from the special revenues collected or received for the use of said college, and paid into the State treasury, and not out of the general fund of the State treasury $5,044,235

for the first year, and $5,074,235 for the second year.

Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the Virginia Polytechnic Institute, at Blacksburg, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489, of the Acts of Assembly of 1926, and §§ 7, 8 and 9 of Chapter 61 of the Acts of Assembly of 1928, as continued in force by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, or with any amendments thereto $244,410

the first year, and $234,900 the second year.

It is further provided that out of the appropriations in this item, there is hereby appropriated:

For providing scholarships ..... $10,000 each year.

For student activities ..... $ 35,700 the first year, and $36,700 the second year.

For providing students' physical facilities ..... $110,000 each year.

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	First Year	Second Year
For uniform commutation each year. $100,000		
Total for Virginia Polytechnic Institute, at Blacksburg	$ 3,315,825	$ 3,347,015

Virginia Polytechnic Institute, at Blacksburg, Virginia Engineering Experiment Station

Item 448

For the Virginia Engineering Experiment Station of the Virginia Polytechnic Institute for research in engineering $ 68,650 $ 69,650

Item 449

For research in engineering by the Virginia Engineering Experiment Station of the Virginia Polytechnic Institute, to be paid only from the special revenues collected and paid into the State treasury for the use of the said Virginia Engineering Experiment Station, and not out of the general fund of the State treasury $134,000 the first year, and $135,000 the second year.

Virginia Polytechnic Institute, at Blacksburg, Extension Division

Item 450

For the Extension Division of the Virginia Polytechnic Institute, at Blacksburg, for the purpose of conducting demonstration work in the State of Virginia, or in the several counties therein, in connection and cooperation with the United States Department of Agriculture, under the provisions of the Federal Smith-Lever Act and other Federal acts for extension $ 2,295,250 $ 2,380,470

It is provided that of the funds so appropriated the sums of $10,000 for each year of the biennium shall be expended for additional home demonstration services in the city of Newport News and the counties of Arlington, Princess Anne, Campbell and Russell, such sum to be allocated equally between said city and counties.

Item 451

For the Extension Division of the Virginia Polytechnic Institute, at Blacksburg, to be paid only from the special revenues collected or received for the use of said extension division and paid into the State treasury, including Federal aid, and not out of the general fund of the State treasury $1,603,285 each year.

Item 452

For the extension work on control and prevention of Black Shank disease in tobacco $ 14,200 $ 14,700

Item 453

For the Certified Seed Commission, for the improvement of Virginia crops $ 41,400 $ 42,000

It is provided that this appropriation shall be inclusive of all funds received by the Certified Seed Commission from the Commonwealth of Virginia, and in lieu of any and all contributions from the respective State departments, institutions or other State agencies.

Item 454

For extension work on identification, control and prevention of diseases and pests harmful to shade trees, shrubs and other landscape plantings $ 15,400 $ 15,650

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	First Year	Second Year
Total for the Extension Division of Virginia Polytechnic Institute	$ 2,366,250	$ 2,452,820

Virginia Polytechnic Institute, at Blacksburg, Virginia Agricultural Experiment Station

Item 455

For maintenance and operation of the Virginia Agricultural Experiment Station, at Blacksburg, and the several regional experiment stations under its control, in accordance with law ..... $ 1,567,500 $ 1,618,500

Item 455a

For research on nematodes affecting peanuts and soybeans ..... $ 17,500 $ 18,790

Item 456

For investigation of tobacco diseases ..... $ 69,500 $ 70,500

Item 457

For investigation of diseases and pests harmful to shade trees and other landscape plantings ..... $ 10,300 $ 10,900

Item 458

For maintenance and operation of the Virginia Agricultural Experiment Station and the several county experiment stations under its control, in accordance with law, to be paid only from the special revenues received or collected for the use of said experiment station, and paid into the State treasury, including Federal aid, and not out of the general fund of the State treasury ..... $1,271,000 each year.

Total for Virginia Agricultural Experiment Station	$ 1,664,800	$ 1,718,690

Roanoke Technical Institute, of the Virginia Polytechnic Institute, at Roanoke

Item 459

For maintenance and operation of Roanoke Technical Institute, of the Virginia Polytechnic Institute, at Roanoke ..... $ 7,450 $ 30,660

Item 460

For maintenance and operation of Roanoke Technical Institute, of the Virginia Polytechnic Institute, at Roanoke, to be paid only from the special revenues collected or received for the use of the said institute, and not out of the general fund of the State treasury ..... $66,940 the second year.

Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford

Item 461

For maintenance and operation of Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford ..... $ 481,578 $ 513,928

Item 462

For making loans to students ..... $ 1,000 $ 1,000

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	First Year	Second Year
Item 463		
For maintenance and operation of Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford, to be paid only from the special revenues collected or received for the use of the said college, and paid into the State treasury, and not out of the general fund of the State treasury ..... $1,123,612 the first year, and $1,125,612 the second year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid college, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and § 23-21 of the Code of Virginia, or with any amendments thereto ..... $59,700 the first year, and $59,600 the second year.		
Total for Radford College, Woman's Division of the Virginia Polytechnic Institute, at Radford	$ 482,578	$ 514,928

VIRGINIA MILITARY INSTITUTE, AT LEXINGTON

Item 464		
For maintenance and operation of the Virginia Military Institute, at Lexington	$ 856,865	$ 899,240
Item 465		
For maintenance and operation of the Virginia Military Institute, at Lexington, to be paid only from the special revenues collected or received for the use of said Virginia Military Institute, and paid into the State treasury, and not out of the general fund of the State treasury ..... $1,439,388 each year. Out of this appropriation it is provided that there shall be set aside a sum sufficient to pay the interest accruing on the bonds and certificates of indebtedness issued by the aforesaid Virginia Military Institute, and to constitute the sinking fund, in accordance with the provisions of §§ 8, 9 and 10 of Chapter 489 of the Acts of Assembly of 1926, as continued in force by § 23-30 of the Code of Virginia, and of § 23-21 of the Code of Virginia, or with any amendments thereto ..... $17,500 each year. The amounts already accumulated of the following special Virginia Military Institute funds, i. e., the cadet re-examination fees, the fund representing reimbursement of shortages in the Virginia Military Institute's treasurer's account extending over a number of years, and the payments to Virginia Military Institute by former State cadets in lieu of service in the National Guard, teaching in Virginia schools, or working in the State Highway Department, shall hereafter constitute a Virginia Military Institute endowment fund, the interest on which shall be expended in accordance with the resolution of the Board of Visitors. It is hereby provided that on and after the approval of this act the Board of Visitors of the Virginia Military Institute shall not admit any cadet as a "State cadet" whose financial condition or that of		

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	First Year	Second Year
his parents permits him to pay the board and tuition fees charged other students.		

VIRGINIA TRUCK EXPERIMENT STATION, AT NORFOLK

Item 466

For experimentation in truck crop development	$ 226,800	$ 229,750

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGISTRATION

Item 467

For directing and supervising the work of professional and occupational examining and licensing boards	$ 114,340	$ 115,480
It is hereby provided that out of this appropriation the following salary shall be paid: Director $10,000		

Virginia Board of Bar Examiners

Item 468

For examining and licensing applicants for admission to the bar	$ 13,500	$ 13,500
Out of this appropriation the secretary-treasurer of the Virginia Board of Bar Examiners shall be allowed an annual salary not exceeding $3,600		

Virginia State Board of Dental Examiners

Item 469

For regulating the practice of dentistry	$ 12,500	$ 12,700
It is hereby provided that the total expenditure made under the provisions hereof shall not exceed the total amount of revenue paid into the general fund of the State treasury by the Virginia State Board of Dental Examiners during the current biennium.		

Virginia Board of Funeral Directors and Embalmers

Item 470

For licensing funeral directors and embalmers, and carrying out the other duties required by law of the Virginia Board of Funeral Directors and Embalmers	$ 25,275	$ 26,150

State Board of Examiners of Nurses

Item 471

For examination of nurses and for nurses' training school inspection	$ 48,640	$ 48,940

Virginia State Board of Examiners in Optometry

Item 472

For regulating the practice of optometry	$ 4,445	$ 4,445

State Board of Medical Examiners

Item 473

For regulating the practice of medicine	$ 31,300	$ 32,000

State Board of Pharmacy

Item 474

For regulating the practice of pharmacy	$ 52,180	$ 52,330

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Virginia Athletic Commission

Item 475	First Year	Second Year
For regulating boxing and wrestling contests in accordance with the provisions of §§ 9-16 through 9-48, inclusive, and § 18-319 of the Code of Virginia, to be paid only out of the revenues collected and paid into the State treasury in accordance with the provisions of this act, and not out of the general fund of the State treasury ..... each year.	$12,100	

Item 476

For payment to the counties, cities and towns of their shares, pursuant to § 9-47 of the Code of Virginia, of monies collected by the Virginia Athletic Commission, a sum sufficient.

State Registration Board for Contractors

Item 477		
For regulating the practice of general contracting in Virginia	$ 22,350	$ 22,950
Total for the Department of Professional and Occupational Registration	$ 324,530	$ 328,495

MISCELLANEOUS ACTIVITIES

Virginia Historical Society (Battle Abbey), at Richmond

Item 478		
For the Virginia Historical Society (Battle Abbey), at Richmond	$ 3,000	$ 3,000

Confederate Museum, at Richmond

Item 479		
For the care of Confederate collections and the maintenance of the Virginia room at the Confederate Museum, at Richmond	$ 1,800	$ 1,800

Valentine Museum, at Richmond

Item 480		
For the Valentine Museum, for providing exhibits to the public schools of Virginia	$ 7,500	$ 7,500

Woodrow Wilson Birthplace Foundation, Incorporated

Item 481		
For aid in the maintenance of the Woodrow Wilson home at Staunton, Virginia	$ 7,500	$ 7,500

Robert E. Lee Memorial Foundation, Incorporated

Item 482		
For aid in further development of "Stratford"	$ 20,000	$ 20,000

Virginia Home for Incurables, at Richmond

Item 483		
For the Virginia Home for Incurables, at Richmond, for care of incurables	$ 39,000	$ 39,000

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Atlantic Rural Exposition, Incorporated

Item 484	First Year	Second Year
For the Atlantic Rural Exposition, Inc., for providing State premiums, which is to be applied toward the payment of said premiums upon the agricultural, horticultural, livestock and poultry exhibits to be offered in the name of the Commonwealth of Virginia at the annual exhibitions of said exposition	$ 25,000	$ 25,000

It is provided that the Governor of Virginia, and four others, to be appointed by him, two from the State Board of Agriculture and Immigration and two from the board of directors of the Atlantic Rural Exposition, Inc., shall constitute a committee of five to determine the number, amount and character of premiums provided for in this appropriation of $25,000. The members of said committee shall receive no compensation for their services.

It is provided, further, that the appropriation of $25,000 hereby made be subject to payment of the Atlantic Rural Exposition, Inc., upon order of the committee herewith provided for, by warrant of the chairman.

Virginia Institute for Scientific Research

Item 485		
For promoting basic and applied research in the natural sciences	$ 20,000	$ 20,000

Civil Air Patrol

Item 486		
For Civil Air Patrol	$ 10,500	$ 10,500

Barter Theater

Item 486a		
For aid in the operation of the Barter Theater	$ 15,000	$ 15,000

Patrick Henry Memorial Foundation

Item 486b		
For aid in maintaining the Patrick Henry Shrine at Red Hill	$ 5,000	$ 5,000
Total for miscellaneous activities	$ 154,300	$ 154,300
Total from general fund for recurring maintenance and operation	$216,529,162	$235,012,357

§ 4. FOR DEFICIT AUTHORIZATION, NON-RECURRING MAINTENANCE AND OPERATION, AND CONTINGENCY ITEMS, AS HEREIN SPECIFIED

The amounts hereinafter set forth are appropriated from the general fund of the State treasury, except as otherwise noted, for the purposes indicated.

Commissioners for the Promotion of Uniformity of Legislation in the United States

Item 487	
For repayment of maintenance and operation deficit	$ 1,236

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Division of Statutory Research and Drafting

Item 488	First Year	Second Year
For repayment of maintenance and operation deficit	$ 22,000	

Virginia Advisory Legislative Council

Item 489

For repayment of maintenance and operation deficit ..... $ 5,000

Virginia Code Commission

Item 490

For repayment of maintenance and operation deficit ..... $ 8,140

Department of Treasury

Item 491

For repayment of maintenance and operation deficit ..... $ 58,971

Compensation Board

Item 491a

For repayment of maintenance and operation deficit ..... $ 2,946

Department of Purchases and Supply

Item 492

For repayment of maintenance and operation deficit ..... $ 124,223

Department of State Police

Item 493

For repayment of maintenance and operation deficit, to be paid only from the highway maintenance and construction fund and not out of the general fund of the State treasury, $60,000 in the first year.

Department of Conservation and Economic Development

Item 494

For repayment of maintenance and operation deficit ..... $ 42,500

Department of Health

Item 495

For repayment of maintenance and operation deficit ..... $ 50,000

Department of Mental Hygiene and Hospital
(Southwestern State Hospital)

Item 496

For repayment of capital outlay deficit ..... $ 17,546

(Lynchburg Training School and Hospital)

Item 497

For repayment of capital outlay deficit ..... $ 36,028

Pupil Placement Board

Item 498

For repayment of maintenance and operation deficit ..... $ 117,230

Department of Education—State Board of Education

Item 499

For repayment of maintenance and operation deficit ..... $ 195,500

(Virginia State College, at Petersburg)

Item 500

For repayment of maintenance and operation deficit ..... $ 28,211

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Virginia School for the Deaf and the Blind

Item 501	First Year	Second Year
For repayment of maintenance and operation deficit	$ 4,500	

Virginia Civil War Commission

Item 502		
For repayment of maintenance and operation deficit	$ 19,000	
Total from general fund for deficit authorizations	$ 733,031	

Governor

Item 503

For expenditure by the Governor, under such rules and regulations as he may prescribe, for adjusting as far as practicable the base rates of pay of State employees, on an equitable basis ..... $ 1,750,000 $ 1,750,000

It is further provided, subject to rules and regulations prescribed by the Governor, that the balances, if any, in each special fund are hereby appropriated for expenditure as far as necessary for the same purpose with respect to State employees whose salaries are chargeable to any appropriation payable from such funds.

It is further provided, however, that all additions to compensation authorized by the Governor, whether or not under this item, shall be paid out of the amounts appropriated by this Act to the respective departments, institutions, and agencies insofar as such appropriations are sufficient to permit such payments; only to the extent such appropriations are found insufficient, in whole or in part, for paying them, may any such authorized additions to compensation be paid out of the appropriations made by this item.

It is further provided that the Governor may, in his discretion, expend from this appropriation not more than $75,000 each year to retain upon the faculty of our Land Grant Colleges and the staff of the Virginia Truck Experiment Station the most talented research personnel they have and to attract additional such personnel.

Item 504

For meeting public school contingencies, a sum sufficient, estimated at ..... $ 100,000 $ 100,000

It is hereby provided that the Governor, in his discretion, may expend from this appropriation the sums necessary to meet expenses of the Board of Appeals provided by Chapter 71, Acts of Assembly, Extra Session of 1959.

Items 505-506

For State scholarships to children attending nonsectarian private schools located in or outside and public schools located outside, the locality in which such children reside, a sum sufficient, estimated at ..... $ 1,400,000 $ 1,400,000

The appropriations made in this item are made pursuant to the authority vested in the General Assembly by Section 141 of the Constitution of Virginia.

Department of Agriculture and Immigration

Item 507

There is hereby reappropriated the unexpended

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	First Year	Second Year
balance as of the last day of the previous biennium in the Produce Market Loan Fund established by Chapter 453, Acts of Assembly of 1954 and reappropriated by Item 473, Acts of Assembly of 1956 and Item 489, Acts of Assembly of 1958.		

Department of Conservation and Economic Development

Item 508

For erosion control at Virginia Beach ..... $ 40,000 $ 40,000

Items 509-510

For aiding in the organization and operation of any corporation created under the Virginia Industrial Development Corporation Act ..... $ 50,000

Historic Richmond Foundation

Item 511

For Historic Richmond Foundation, as a contribution toward purchase and improvement of site for Patrick Henry Memorial Park ..... $ 62,500

It is provided that this appropriation shall not be released for expenditure until the Governor is satisfied that $112,500 is available from other sources for completion of this project.

It is further provided that this appropriation in no way incurs an actual or implied obligation for further support of this project, or of its improvement, maintenance or operation.

Stonewall Jackson Memorial, Inc.

Item 511a

For purchase of Civil War battlefields ..... $ 25,000

James Monroe Memorial Foundation

Item 511b

For library addition ..... $ 25,000

Scotchtown Committee, Hanover Branch, Association for the Preservation of Virginia Antiquities

Item 511c

For the restoration of "Scotchtown", the home of Patrick Henry in Hanover County ..... $ 30,000

The funds herein appropriated shall be expended in such manner as The Scotchtown Committee, Hanover Branch, Association for the Preservation of Virginia Antiquities shall determine. The treasurer of such Branch shall keep such records and make such reports concerning the expenditure of such funds as the Comptroller may prescribe.

Virginia Civil War Commission

Item 512

For the development and coordination of plans to commemorate the one hundredth anniversary of the Civil War ..... $ 300,000 $ 200,000

It is provided, however, that no allotment of funds from these appropriations shall be made until a currently-revised program for the expenditure of such funds has been submitted to and given prior written approval by the Governor.

Item 513

For maintenance and operation of Centennial Center ..... $ 75,000 $ 205,500

It is provided, however, that no allotment of funds

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	First Year	Second Year

from these appropriations shall be made until a currently-revised program for the expenditure of such funds has been submitted to and given prior written approval by the Governor.

It is provided, further, that any revenues, excepting only those from gifts and donations, shall be paid promptly and directly into the general fund of the State treasury.

Items 514-515

There is hereby appropriated to the Virginia Civil War Commission any and all revenues from gifts and donations, which revenues shall be paid into the State treasury to the credit of the Commission.

Total for Virginia Civil War Commission	$ 375,000	$ 405,500

Department of Health—State Board of Health

Item 516

For State and for local hospital construction to be paid from special revenues and not from the general fund of the State treasury.....$3,160,115 each year.

Virginia State Library

Item 517

For copying colonial records	$ 17,500	$ 17,500

Department of Education—State Board of Education

Item 518

For increasing the Literary Fund as authorized by Section 134 of the Constitution of Virginia, $5,000,000 in the first year; provided, however, that this appropriation shall be paid only out of the excess over $20,000,000 in the surplus of the general fund of the State treasury at the close of business on June 30, 1960, and only to the extent that the said surplus exceeds $20,000,000.

I veto Item 518—*/s/ J. Lindsay Almond, Jr.*, 4/1/60.

Item 519

For local public school construction there is hereby reappropriated to the State Board of Education the unexpended balance, estimated at $1,250,000, at the close of the previous biennium, in the appropriation provided by Item 484, Chapter 716, Acts of Assembly of 1952 and subsequently reappropriated by Item 497, Chapter 708, Acts of Assembly of 1954, Item 469-B, Chapter 716, Acts of Assembly of 1956, and Item 487, Chapter 642, Acts of Assembly of 1958. This reappropriation shall be expended by the State Board of Education in accordance with the allocation made pursuant to the cited items.

It is provided, however, that any unobligated balance in this appropriation at June 30, 1962, shall revert to the general fund. Any funds required for projects for which plans have been approved by the State Board of Education shall be considered as an obligation against this appropriation.

Total from general fund for deficit authorization, non-recurring maintenance and operation, and contingency items	$ 4,608,031	$ 3,713,000

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§ 5. FOR CAPITAL OUTLAY ITEMS, AS SPECIFIED HEREIN.

The amounts hereinafter set forth are appropriated or reappropriated to the several departments, institutions, and agencies named, except that in the case of reappropriations such amounts are reappropriated, unless otherwise stated, to the extent of the unexpended balances at the close of the previous biennium, in the amounts and for the purposes shown by the records of the Department of Accounts of appropriations or reappropriations made by Chapter 642, Acts of Assembly, 1958. Amounts tabulated herein as reappropriations are the estimated unexpended balances as of the close of the previous biennium. The term "former Item" as herein used with reference to reappropriations means the item so numbered in Chapter 642, Acts of Assembly of 1958. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, with prior written approval of the Governor. The appropriations and reappropriations herein made shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditure of capital outlay funds as provided by law.

	First Year Reappropriations	Second Year Appropriations
GOVERNOR'S OFFICE		
Governor		
Item 520		
For purchasing and for making improvements on real estate	$ 100,000	$ 1,500,000
This reappropriation includes $100,000 from former Item 495.		
Item 521		
For improvements to State-owned land, buildings and equipment	$ 100,000	$ 1,500,000
Item 522		
For preparation of preliminary plans of capital outlay projects by State agencies and institutions	$ 50,000	
Item 523		
For supplementing capital outlay appropriations	$ 900,000	
Item 524		
For aid in constructing nurse training facilities	$ 500,000	
It is provided that this reappropriation shall not be expended except on certification of the Advisory Council on Nursing Training that the project for which the expenditure is to be made has been approved by the Council, and that the Council has been given satisfactory assurance that two-thirds of the cost of any such project will be paid for from funds other than this State appropriation; provided that not more than $125,000 of State money shall be allocated to any one project.		
It is further provided that training facilities for professional and practical nurses qualify for consideration for such aid.		
Total for the Governor (general fund)	$ 1,650,000	$ 3,000,000

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	Reappropriations	Appropriations
Division of the Budget		
Item 525		
For utilities for a State office building		$ 490,000
Item 526		
For retaining wall at Governor's Mansion		$ 85,000
I veto Item 526—/s/ J. Lindsay Almond, Jr., 4/1/60.		
Item 527		
For renovation of State Capitol		$ 580,000
Item 528		
For modernization of elevators—State office building	$ 75,000	
Item 529		
For plans for a State office building		$ 150,000
Total for the Division of the Budget (general fund)	$ 75,000	$ 1,305,000
DEPARTMENT OF ACCOUNTS		
Item 530		
For electronic equipment		$ 220,000
Total for the Department of Accounts (general fund)		$ 220,000
DIVISION OF MOTOR VEHICLES		
The appropriation and reappropriation herein made by Items 531 and 532 to the Division of Motor Vehicles shall be paid only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury.		
Item 531		
For office equipment		$ 98,000
Item 532		
For purchase and improvement of land, construction of building, and equipment therefor	$ 316,700	
Total for the Division of Motor Vehicles (special funds)	$ 316,700	$ 98,000
DEPARTMENT OF STATE POLICE		
The appropriations and reappropriations herein made by Items 533 to 552, inclusive, to the Department of State Police, shall be paid only out of the State highway maintenance and construction fund, and not out of the general fund of the State treasury.		
State Police Patrol		
Item 533		
For motor vehicles		$ 65,000
Item 534		
For books and periodicals		$ 5,000

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	Reappropriations	Appropriations
Item 535		
For other equipment		$ 68,200
Promoting Highway Safety		
Item 536		
For motor vehicles		$ 7,200
Item 537		
For other equipment		$ 7,000
Operation of State Police Radio System		
Item 538		
For office equipment		$ 400
Item 539		
For motor vehicles		$ 12,500
Item 540		
For electronic equipment		$ 150,000
Item 541		
For repeater stations (4)		$ 11,000
Item 542		
For radio and microwave towers and equipment		$ 43,000
Item 542a		
For transmitter building addition		$ 10,180
Operation and Maintenance of Headquarters Buildings and Grounds		
Item 543		
For additional equipment		$ 2,000
Item 544		
For land	$ 15,000	$ 21,500
Item 545		
For roads, walks, curbs and gutters		$ 10,000
Item 546		
For administrative headquarters renovation		$ 30,000
Item 547		
For area office buildings (5) and equipment		$ 75,000
Item 548		
For ammunition shed and equipment		$ 6,000
Item 549		
For pistol range, roof improvements		$ 6,000
Item 550		
For area offices and equipment—Charlottesville	$ 12,680	
Item 551		
For area offices and equipment—Williamsburg	$ 12,680	

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Operation of State Police Dining Room

	Reappropriations	Appropriations
Item 552		
For household equipment		$ 700
Total for the Department of State Police (special funds)	$ 40,360	$ 530,680

DEPARTMENT OF MILITARY AFFAIRS

Maintenance and Operation of State Military Reservation

Item 553		
For renovations and construction	$ 50	$ 40,000

Maintenance and Operation of Virginia National Guard

Item 554		
For construction of armory garages	$ 26,000	
Item 555		
For construction of armories with Federal aid	$ 180,000	$ 100,000
Item 556		
For rehabilitation of armories	$ 50,000	$ 80,000
Total for the Department of Military Affairs (general fund)	$ 256,050	$ 220,000

DEPARTMENT OF LABOR AND INDUSTRY

Item 557		
For office building ($33,000) and equipment ($2,000), Big Stone Gap		$ 35,000
Total for the Department of Labor and Industry (general fund)		$ 35,000

DEPARTMENT OF AGRICULTURE AND IMMIGRATION

Board of Agriculture and Immigration

(Operating Regional Laboratories)

Items 558-559		
For Eastern Shore addition and equipment	$ 1,000	

(Inspection of Agricultural and Other Commodities)

The appropriation herein made by Item 560 to the Board of Agriculture and Immigration shall be paid only out of the proceeds of fees collected by the Division of Markets for the inspection of agricultural and other commodities and not out of the general fund of the State treasury.

Item 560		
For purchase of land (Suffolk)		$ 8,000

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(Enforcement of Weights and Measures Law)

	Reappropriations	Appropriations
Item 561		
For motor vehicles		$ 11,000
Item 562		
For other equipment		$ 7,000

(Analyzing Products and Other Materials for Harmful Residues)

Item 562a		
For laboratory equipment		$ 50,000

(Analyzing Gasoline and Motor Oils)

Item 563		
For other equipment—diesel testing engine		$ 18,600
Total for the Board of Agriculture and Immigration	$ 1,000	$ 94,600
From general fund	$ 1,000	$ 86,600
From special funds		$ 8,000

STATE SOIL CONSERVATION COMMITTEE

Item 564	
For machinery for soil conservation	$ 5,100
Total for the State Soil Conservation Committee (general fund)	$ 5,100

BOARD OF COMMISSIONERS OF THE VIRGINIA STATE PORTS AUTHORITY

Item 565	
For acquisition and construction of Pinner's Point cargo facilities	$ 301,000
Total for the Board of Commissioners of the Virginia State Ports Authority (general fund)	$ 301,000

DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

(Administration and Protection of State Forests)

The appropriation herein made by Item 566 to the Department of Conservation and Economic Development shall be paid only out of the special revenues collected or received for the administration and protection of State forests, and not out of the general fund of the State treasury.

Item 566	
For land	$ 6,000

(Protection and Development of Forest Resources)

Item 567	
For tractors	$ 20,000
Item 568	
For tractor transports	$ 12,000

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	Reappropriations	Appropriations
(Mineral Resources)		
Item 569		
For other equipment		$ 18,000
(Operation of State Parks)		
The reappropriation herein made by Item 571 to the Department of Conservation and Economic Development shall be paid only out of the proceeds from the sale of property to the Federal government, and not out of the general fund of the State treasury.		
Item 570		
For retaining wall (Westmoreland State Park)		$ 18,800
Item 571		
For land and structures	$ 14,600	
Item 572		
For land	$ 14,550	
Item 573		
For structures	$ 18,317	
Item 573a		
For overnight camping facilities at Hungry Mother State Park		$ 15,000
Item 573b		
For overnight camping facilities at Douthat State Park		$ 15,000
Item 573c		
For overnight camping facilities at Fairy Stone State Park		$ 15,000
Item 573d		
For overnight camping facilities at Claytor Lake State Park		$ 15,000
Total for the Department of Conservation and Economic Development	$ 47,467	$ 134,800
From general fund	$ 32,867	$ 128,800
From special funds	$ 14,600	$ 6,000
JAMESTOWN FOUNDATION		
Item 574		
For parking lot		$ 30,000
Item 575		
For renovation ($9,000) and equipment ($16,000), New World Pavilion		$ 25,000
Total for the Jamestown Foundation (general fund)		$ 55,000
VIRGINIA CIVIL WAR COMMISSION		
Item 576		
For additional equipment		$ 5,000

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	Reappropriations	Appropriations
Item 577		
For structures		$ 600,000
Total for the Virginia Civil War Commission (general fund)		$ 605,000

BREAKS INTERSTATE PARK COMMISSION

Item 578		
For educational and recreational equipment		$ 1,500
Item 579		
For additional equipment	$ 750	$ 500
Item 580		
For surfacing road		$ 2,000
Item 580a		
For monument		$ 2,500
Item 580b		
For amphitheater		$ 25,000
Item 580c		
For storage building		$ 5,000
Item 581		
For purchase of land		$ 20,000
Item 582		
For log house		$ 7,000
Item 583		
For picnic shelters		$ 7,000
Item 584		
For camping area		$ 15,000
Item 585		
For foreman's residence		$ 9,000
Item 586		
For land and structures	$ 35,000	
Item 587		
For construction of trails	$ 2,000	$ 2,500
Total for the Breaks Interstate Park Commission (general fund)	$ 37,750	$ 97,000

COMMISSION OF FISHERIES

Item 588	
For boats	$ 12,000
Total for the Commission of Fisheries (general fund)	$ 12,000

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VIRGINIA FISHERIES LABORATORY

	Reappropriations	Appropriations
Item 589		
For nautical equipment		$ 4,000
Item 590		
For laboratory equipment		$ 20,000
Item 591		
For motor vehicles		$ 4,500
Item 592		
For books and periodicals		$ 5,000
Item 593		
For additional equipment		$ 7,500
Item 594		
For utilities		$ 2,500
Item 595		
For experimental ponds		$ 8,000
Item 596		
For sea wall and boat ramp		$ 10,000
Item 597		
For laboratory ($36,000) and equipment ($5,000), Eastern Shore		$ 41,000
Item 597a		
For addition to maintenance shop		$ 9,000
Item 597b		
For air conditioning existing laboratory building		$ 16,000
Total for the Virginia Fisheries Laboratory (general fund)		$ 127,500

COMMISSION OF GAME AND INLAND FISHERIES

The appropriations and reappropriations herein made by Items 598 to 605, inclusive, to the Commission of Game and Inland Fisheries shall be paid only out of the special revenues collected or received by said Commission, and not out of the general fund of the State treasury.

Administration

	Reappropriations	Appropriations
Item 598		
For other equipment	$ 5,000	$ 20,000

Law Enforcement

Item 599		
For equipment	$ 7,500	$ 21,500

Game Propagation and Restoration

Item 600		
For other equipment	$ 6,000	$ 77,000

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	Reappropriations	Appropriations
Item 601		
For land	$ 300,000	
Item 602		
For structures	$ 5,000	
Fish Propagation and Restoration		
Item 603		
For other equipment		$ 34,500
Item 604		
For land	$ 80,000	
Item 605		
For development of Hog Island as waterfowl refuge	$ 20,000	
Total for the Commission of Game and Inland Fisheries (special funds)	$ 423,500	$ 153,000
DEPARTMENT OF HEALTH		
State Board of Health		
Item 606		
For branch laboratory ($119,000) and equipment ($16,000), Abingdon		$ 135,000
Total for the State Board of Health (general fund)		$ 185,000
Blue Ridge Sanatorium, at Charlottesville		
Item 607		
For convict dormitory		$ 42,000
Total for the Blue Ridge Sanatorium, at Charlottesville (general fund)		$ 42,000
Catawba Sanatorium, near Salem		
Item 608		
For remodeling for canteen and employees' quarters	$ 4,000	
Total for the Catawba Sanatorium, near Salem (general fund)	$ 4,000	
Piedmont Sanatorium, at Burkeville		
Item 609		
For elevator		$ 15,000
Item 610		
For remodeling kitchen	$ 40,000	$ 40,000
This reappropriation includes $40,000 from former Item 734.		
Item 611		
For incinerator	$ 2,000	
Item 612		
For rehabilitation center	$ 500	

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	Reappropriations	Appropriations
Total for the Piedmont Sanatorium, at Burkeville (general fund)	$ 42,500	$ 55,000

DEPARTMENT OF WELFARE AND INSTITUTIONS

Central Activities

Item 613
For renovation of electrical and lighting systems ..... $ 12,000

Total for Central Activities (general fund) ..... $ 12,000

Bon Air School for Girls, at Bon Air

Item 614
For additional equipment ..... $ 2,500

Item 615
For cottage ($69,250) and equipment ($3,250) ..... $ 72,500

Item 616
For incinerator ..... $ 1,800

Item 617
For sprinkler systems ..... $ 500 $ 3,500
This reappropriation includes $500 from former Item 746-A.

Item 618
For renovating school building for staff quarters and equipment ..... $ 9,000 $ 13,000
This reappropriation includes $9,000 from former Item 748-A.

Item 619
For converting quonset building to laundry ..... $ 3,300

Item 620
For vocational shop building and equipment ..... $ 6,000

Item 621
For staff residences and equipment (2) ..... $ 1,500

Total for Bon Air School for Girls, at Bon Air (general fund) ..... $ 17,000 $ 96,600

Beaumont School for Boys, at Beaumont

Item 622
For additional equipment ..... $ 3,000

Item 623
For exterior lighting system ..... $ 4,000

Item 624
For administration building ($49,000) and equipment ($2,000) ..... $ 51,000

Item 625
For insulation of cottages ..... $ 2,000

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	Reappropriations	Appropriations
Item 626		
For sprinkler systems		$ 26,000
Item 627		
For maintenance shop and equipment	$ 5,000	
Item 628		
For beef cattle barn	$ 1,000	
Item 629		
For structures	$ 1,000	
Total for Beaumont School for Boys, at Beaumont (general fund)	$ 7,000	$ 86,000

Janie Porter Barrett School for Girls, at Peaks

Item 630		
For tractor		$ 2,000
Item 631		
For trucks		$ 3,000
Item 632		
For landscaping, walks and roads		$ 3,000
Item 633		
For dining hall ($130,000) and equipment ($50,000)		$ 180,000
Item 633a		
For utilities		$ 11,000
Item 634		
For incinerator		$ 1,800
Item 635		
For converting cottage kitchens to dormitories, including equipment		$ 11,400
Item 636		
For painting and cathodic protection water tank		$ 2,800
Item 637		
For swine feeding slabs		$ 800
Total for Janie Porter Barrett School for Girls, at Peaks (general fund)		$ 215,800

Hanover School for Boys, at Hanover

Item 638		
For additional equipment		$ 3,000
Item 639		
For exterior lighting system		$ 4,000
Item 640		
For remodeling Ellen Allen Cottage		$ 69,100

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	Reappropriations	Appropriations
Total for Hanover School for Boys, at Hanover (general fund)		$ 76,100

Study Home for White Boys

Item 641
For basketball court $ 1,000

Item 642
For cottage ($89,500) and equipment ($3,500) $ 93,000

Item 643
For sprinkler systems $ 14,500

Total for Study Home for White Boys (general fund) $ 108,500

The Penitentiary, at Richmond

The reappropriation herein made in Item 647 to the Penitentiary shall be paid only out of the revenues derived from the operation of the Penitentiary Industrial Department, and not out of the general fund of the State treasury.

Item 644
For inter-communications system $ 15,000

Item 645
For improvements to lavatories and plumbing in cell building "A" $ 20,000

Item 646
For sprinkler system $ 3,500

Item 647
For roof on cell building "A" $ 10,000

Total for the Penitentiary, at Richmond	$ 30,000	$ 18,500
From general fund	$ 20,000	$ 18,500
From special funds	$ 10,000	

The Penitentiary, at Richmond, Industrial Department

The appropriations herein made in Items 648, 649, and 650 to the Penitentiary Industrial Department shall be paid only out of the revenues derived from the operation of the Penitentiary Industrial Department, and not out of the general fund of the State treasury.

Item 648
For laundry equipment $ 75,950

Item 649
For equipment for shops $ 69,000

Item 650
For feed mill equipment $ 16,000

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	Reappropriations	Appropriations
Total for the Penitentiary, at Richmond, Industrial Department (special funds)		$ 160,950

State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm

(For Powhatan County Farm)

Item 651		
For milking equipment		$ 10,000
Item 652		
For hay conditioners		$ 1,200
Item 653		
For additional boiler		$ 56,500
Item 654		
For bridge over James River	$ 100,000	
Item 655		
For cell building ($309,000) and equipment ($11,000)		$ 320,000
Item 656		
For enlarging guards' dining room, and equipment		$ 5,300
Item 657		
For boiler plant mains and roads	$ 40,000	
Item 658		
For maintenance shop and equipment	$ 20,000	
Item 659		
For central storage building and refrigeration	$ 20,000	
Item 660		
For staff residences and equipment (3)	$ 10,000	

(For Goochland County Farm)

Item 661		
For household equipment		$ 6,000
Item 662		
For rock crusher		$ 12,000
Item 663		
For sprinkler system		$ 3,500
Item 664		
For brick kiln repairs		$ 12,000
Item 665		
For grain bins		$ 6,000
Item 666		
For water storage expansion	$ 50,000	
Item 667		
For fireproofing and remodeling brick dormitory	$ 4,000	

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	Reappropriations	Appropriations
Item 668		
For receiving unit and equipment	$ 8,000	
Item 669		
For maintenance shop and equipment	$ 20,000	
Item 670		
For central storage building and refrigeration	$ 20,000	
Item 671		
For staff residence and equipment	$ 6,000	
Item 672		
For dormitory addition and equipment	$ 20,000	
Item 672a		
For remodeling chapel and equipment	$ 1,000	
Total for State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm (general fund)	$ 319,000	$ 432,500
Southampton Penitentiary Farm, at Capron		
Item 673		
For office equipment		$ 2,000
Item 674		
For dormitory ($190,000) and equipment ($11,000)		$ 201,000
Item 675		
For cell building and equipment	$ 15,000	
Item 676		
For recreational facilities	$ 500	
Item 677		
For expansion of boiler plant	$ 150,000	
Item 677a		
For maintenance shop and equipment	$ 1,000	
Total for Southampton Penitentiary Farm, at Capron (general fund)	$ 166,500	$ 203,000
State Industrial Farm for Women, at Goochland		
Item 678		
For laundry equipment	$ 1,000	
Item 679		
For fire hydrants and connection to water mains	$ 1,000	
Item 680		
For rabbit hutches		$ 2,000
Item 681		
For grain storage		$ 13,000
Item 682		
For cattle and hay barn		$ 9,000

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	Reappropriations	Appropriations
Item 683		
For remodeling cottage No. 2 basement for tuberculosis unit and equipment	$ 6,500	
Item 684		
For remodeling cottage No. 2 for nursery	$ 1,000	
Item 685		
For poultry house	$ 4,000	
Item 686		
For piggery	$ 500	
Item 687		
For machine shed	$ 2,000	
Item 688		
For vegetable cellar	$ 1,700	
Item 689		
For bus waiting station at entrance, and for walks		$ 5,000
Total for State Industrial Farm for Women, at Goochland (general fund)	$ 17,700	$ 29,000

Bland Correctional Farm, at White Gate

Item 690		
For additional equipment		$ 10,000
Item 691		
For mess hall and kitchen addition ($385,000) and equipment ($55,000)	$ 47,000	$ 440,000
Total for Bland Correctional Farm, at White Gate (general fund)	$ 47,000	$ 450,000

State Convict Road Force

Item 692		
For permanent camps and equipment	$ 50,000	$ 580,000
Item 693		
For sanitary facilities for temporary camps	$ 44,500	
Total for State Convict Road Force (general fund)	$ 94,500	$ 580,000

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

State Hospital Board

Item 694	
For institute for emotionally disturbed children (Virginia Treatment Center for Children) and equipment	$ 340,000
Total for the State Hospital Board (general fund)	$ 340,000

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Central State Hospital, at Petersburg

	Reappropriations	Appropriations
Item 695		
For chronic infirmary (1—200) ($300,000) and equipment ($50,000)		$ 350,000
Item 696		
For utilities		$ 375,000
Item 697		
For additional equipment		$ 50,000
Item 698		
For water storage		$ 95,000
Item 699		
For relocation of temporary kitchen		$ 27,500
Item 700		
For water treatment plant	$ 225,000	
Item 701		
For remodeling and fireproofing old ward buildings	$ 55,000	
Item 702		
For addition to boiler plant and outside utilities	$ 108,000	
Item 703		
For intensive treatment building and equipment (125)	$ 720,000	
Total for Central State Hospital, at Petersburg (general fund)	$ 1,108,000	$ 897,500

Petersburg Training School, at Petersburg

Item 704		
For school bus		$ 6,000
Item 705		
For additional equipment	$ 5,000	$ 15,000
Item 706		
For fencing		$ 4,500
Item 707		
For playground equipment and landscaping		$ 40,000
Item 708		
For high-grade student dormitories and equipment (4)	$ 103,000	
Item 709		
For kitchen-dining building and equipment	$ 100,000	
Item 710		
For school and auditorium and equipment	$ 30,000	
Item 711		
For patient dormitories and equipment (4)	$ 250,000	
Total for Petersburg Training School, at Petersburg (general fund)	$ 488,000	$ 65,500

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Eastern State Hospital, at Williamsburg

	Reappropriations	Appropriations
Item 712		
For additional kitchen-cafeteria equipment		$ 150,000
Item 713		
For additional equipment		$ 50,000
Item 714		
For outside utilities	$ 230,000	
Item 715		
For occupational therapy and recreational building ($1,075,000) and equipment ($75,000)		$ 1,150,000
Item 716		
For continued treatment building (1—100) ($355,000) and equipment ($45,000)		$ 400,000
Item 717		
For addition to sewage treatment plant		$ 120,000
Item 718		
For receiving building and equipment	$ 400,000	
Item 719		
For acute convalescent buildings and equipment (2—168)	$ 1,400,000	
Total for Eastern State Hospital, at Williamsburg (general fund)	$ 2,030,000	$ 1,870,000

Southwestern State Hospital, at Marion

Item 720		
For additional equipment		$ 25,000
Item 721		
For fireproofing and remodeling		$ 322,000
Item 722		
For water supply system	$ 10,000	
Item 723		
For sewage treatment facilities	$ 150,000	
Item 724		
For roads, walks, landscaping and parking area	$ 5,000	
Item 725		
For improvements to cemetery	$ 4,000	
Item 726		
For reconditioning old C. I. building	$ 150,000	
Total for Southwestern State Hospital, at Marion (general fund)	$ 319,000	$ 347,000

Western State Hospital, at Staunton

Item 727		
For food-carrying equipment		$ 18,500

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	Reappropriations	Appropriations
Item 728		
For additional equipment		$ 25,000
Item 729		
For additional utilities	$ 40,000	
Item 730		
For continued treatment building (1—192) ($700,000) and equipment ($70,000)		$ 770,000
Item 731		
For demolishing building	$ 10,000	
Item 732		
For dining room and kitchen and equipment	$ 550,000	
Item 733		
For fireproofing and remodeling existing wards	$ 591,000	
Item 734		
For continued treatment buildings and equipment (2—384)	$ 150,000	
Total for Western State Hospital, at Staunton (general fund)	$ 1,341,000	$ 813,500

DeJarnette State Sanatorium, at Staunton

The appropriations herein made by Items 735, 736, and 737 to DeJarnette State Sanatorium shall be paid only out of the special revenues collected or received from said sanatorium, and not out of the general fund of the State treasury.

Item 735		
For additional equipment		$ 6,000
Item 736		
For remodeling Perry Building ($50,500) and equipment ($9,500)		$ 60,000
Item 737		
For replacement of utilities and lighting and fencing		$ 30,000
Total for DeJarnette State Sanatorium, at Staunton (special funds)		$ 96,000

Lynchburg Training School and Hospital, at Lynchburg

Item 738		
For sanitation equipment		$ 9,000
Item 739		
For additional equipment		$ 25,000
Item 740		
For renovating utilities		$ 300,000
Item 741		
For fireproofing and remodeling Priddy Hall ($150,000) and equipment ($30,000)		$ 180,000

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	Reappropriations	Appropriations
Item 742		
For addition to nursery building (1—72) ($160,000) and equipment ($30,000)		$ 190,000
Item 743		
For low-grade patient buildings (2—200) ($790,000) and equipment ($60,000)		$ 850,000
Item 744		
For utilities for administration building	$ 36,000	
Item 745		
For landscaping and utilities for kitchen and dining hall	$ 56,000	
Item 746		
For roads, walks, and drains	$ 84,000	
Item 747		
For administration building and equipment	$ 290,000	
Item 748		
For remodeling patient buildings. This item includes $30,000 from former Item 905.	$ 30,000	
Item 749		
For women's dormitories and equipment, G-1, G-2, and G-3. This reappropriation includes total balances from former Items 906, 907 and 908.	$ 1,025,000	
Item 750		
For kitchen and dining hall and equipment	$ 850,000	
Item 751		
For fireproofing and remodeling existing buildings	$ 33,000	
Total for Lynchburg Training School and Hospital, at Lynchburg (general fund)	$ 2,404,000	$ 1,554,000

VIRGINIA MUSEUM OF FINE ARTS

Item 752		
For replacing existing boilers		$ 23,500
Item 753		
For repairs to Gari Melchers Memorial	$ 1,000	
Total for the Virginia Museum of Fine Arts (general fund)	$ 1,000	$ 23,500

DEPARTMENT OF EDUCATION—STATE BOARD OF EDUCATION

Woodrow Wilson Rehabilitation Center

Item 753a		
For utilities and equipment		$ 17,450

Virginia State College, at Petersburg

Item 754		
For motor vehicles		$ 27,000

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	Reappropriations	Appropriations
Item 755		
For library books		$ 20,000
Item 756		
For other equipment		$ 50,000
Item 757		
For extension of utilities	$ 1,000	$ 50,000
Item 758		
For landscaping and ground improvement	$ 500	$ 15,000
Item 759		
For heating plant addition and replacement of steam lines	$ 500	$ 40,000
Item 760		
For men's dormitory and equipment (150)	$ 100,000	$ 46,000
Item 761		
For ROTC rifle range, classrooms, and equipment	$ 5,000	$ 38,500
Item 762		
For farm structures ($90,000) and equipment ($20,000)	$ 500	$ 110,000
Item 763		
For conversion of old library ($94,000) and equipment ($6,000)		$ 100,000
Item 764		
For industrial arts shop and equipment	$ 1,000	
Item 765		
For library and equipment	$ 1,000	
Item 765a		
For agriculture classroom building ($585,000) and equipment ($20,000)		$ 605,000
Total for Virginia State College, at Petersburg (general fund)	$ 109,500	$ 1,101,500

Virginia State College, at Petersburg, Norfolk Division

Item 766		
For additional equipment		$ 15,000
Item 767		
For books and periodicals		$ 15,000
Item 768		
For utilities		$ 56,000
Item 769		
For completion of vocational and technical building ($85,500) and equipment ($4,500)		$ 90,000
Item 770		
For completion of administration-classroom, library building and equipment	$ 25,000	$ 50,000

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	Reappropriations	Appropriations
Item 771		
For nursing education building ($460,000) and equipment ($40,000)		$ 500,000
Item 772		
For physical education—ROTC building and equipment—second unit	$ 200,000	
Item 772a		
For completion of cafeteria		$ 10,000
Total for Virginia State College, at Petersburg, Norfolk Division (general fund)	$ 225,000	$ 736,000

Longwood College, at Farmville

Item 773		
For books and periodicals		$ 20,000
Item 774		
For additional equipment		$ 45,000
Item 775		
For campus road and walks		$ 9,500
Item 776		
For utilities		$ 50,000
Item 777		
For library addition ($431,000) and equipment ($44,000) This reappropriation includes $15,000 from former Item 554-A.	$ 15,000	$ 475,000
Item 778		
For physical education building ($130,000) and equipment ($3,000)		$ 133,000
Item 779		
For laundry ($47,800) and equipment ($25,000)		$ 72,800
Item 780		
For sprinkler systems		$ 15,000
Item 781		
For home management house	$ 30,000	$ 12,500
Item 782		
For playground drainage system	$ 2,000	
Item 783		
For dormitory and equipment (172)	$ 100,000	
Item 783a		
For maintenance shop, storage building ($80,000) and equipment ($3,000)		$ 83,000
I veto Item 783a—*/s/ J. Lindsay Almond, Jr.*, 4/1/60.		
Total for Longwood College, at Farmville (general fund)	$ 147,000	$ 915,800

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Madison College, at Harrisonburg

	Reappropriations	Appropriations
Item 784		
For books and periodicals		$ 30,000
Item 785		
For additional equipment		$ 40,000
Item 786		
For utilities for new buildings	$ 500	$ 18,000
Item 787		
For roads and parking areas	$ 5,000	$ 24,200
Item 788		
For remodeling Maury Hall		$ 90,000
Item 789		
For library renovations and stacks		$ 50,000
Item 790		
For field house ($29,000) and equipment ($1,000)		$ 30,000
Item 791		
For laundry and equipment		$ 69,000
Item 792		
For preparation of plans for classroom building. It is provided that this appropriation of $40,000 from the general fund is made upon the condition that the plans developed will not require additional general fund appropriations greater than $875,000.		$ 40,000
Item 793		
For kitchen and dining facilities and equipment		$ 650,000
Item 794		
For home economics building and equipment	$ 150,000	
Item 795		
For heating plant and distribution system	$ 500	
Total for Madison College, at Harrisonburg (general fund)	$ 156,000	$ 1,041,200

Virginia State School, at Newport News

Item 796		
For additional equipment		$ 20,000
Item 797		
For utilities	$ 20,000	$ 35,000
Item 798		
For roads, walks, curbing and lights		$ 7,500
Item 799		
For girls' dormitory (1—24) ($83,000) and equipment ($7,000)		$ 90,000

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	Reappropriations	Appropriations
Item 800		
For central storage building		$ 50,000
I veto Item 800—*/s/ J. Lindsay Almond, Jr.*, 4/1/60.		
Item 801		
For boys' dormitory cottages and equipment (2—48)	$ 20,000	
Total for Virginia State School, at Newport News (general fund)	$ 40,000	$ 202,500

VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND, AT STAUNTON

Item 802		
For hot water tank		$ 12,000
Item 803		
For additional equipment		$ 25,000
Item 804		
For walks, roads, and landscaping		$ 10,000
Item 805		
For infirmary and equipment	$ 100,000	
Item 806		
For blind boys' dormitory (1—64) ($228,000) and equipment ($10,000)		$ 238,000
Item 807		
For deaf girls' dormitory (1—80) ($258,000) and equipment ($12,000)		$ 270,000
Item 808		
For remodeling deaf girls' dormitory		$ 90,000
Total for Virginia School for the Deaf and the Blind, at Staunton (general fund)	$ 100,000	$ 645,000

COLLEGE OF WILLIAM AND MARY IN VIRGINIA, AT WILLIAMSBURG

Item 809		
For educational and recreational equipment		$ 16,000
Item 810		
For books and periodicals		$ 20,000
Item 811		
For additional equipment		$ 20,000
Item 812		
For extension of utilities	$ 35,000	$ 80,000
Item 813		
For Jamestown Road underpass	$ 10,000	
Item 814		
For preparation of plans for Science Building		$ 45,000

It is provided that this appropriation of $45,000 from the general fund is made upon the condition

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	Reappropriations	Appropriations
that the plans developed will not require additional general fund appropriations greater than $1,195,000.		
Item 815		
For language laboratory ($47,000) and equipment ($23,000)		$ 70,000
Item 816		
For women's gymnasium ($669,000) and equipment ($11,000)		$ 680,000
Item 817		
For men's dormitory (1—240) and equipment		$ 508,000
Item 818		
For remodeling baths and toilets		$ 134,000
Item 819		
For library and museum and equipment	$ 1,000,000	
It is provided that this reappropriation of $1,000,000 from the general fund is made upon the condition that the College of William and Mary shall raise or otherwise provide, exclusive of State appropriations, any additional sums necessary for the completion of this project.		
Item 820		
For student center building and equipment	$ 10,000	
Item 820a		
For video tape recorder		$ 50,000
Total for College of William and Mary in Virginia, at Williamsburg (general fund)	$ 1,055,000	$ 1,623,000
Norfolk Division		
Item 821		
For books and periodicals		$ 20,000
Item 822		
For additional equipment		$ 10,000
Item 823		
For business administration building ($525,000) and equipment ($25,000)		$ 550,000
Item 824		
For classroom building ($525,000) and equipment ($25,000)		$ 550,000
Item 825		
For addition to gym locker room ($32,500) and equipment ($2,500)		$ 35,000
Item 826		
For site survey engineering study		$ 5,000
Item 827		
For classroom and fine arts building and equipment	$ 100,000	
Item 828		
For library and classroom building and equipment	$ 50,000	
Total for Norfolk Division (general fund)	$ 150,000	$ 1,170,000

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	Reappropriations	Appropriations
Richmond Professional Institute		
Item 829		
For additional equipment		$ 10,000
Item 830		
For sprinkler system	$ 12,500	
Item 831		
For heating system equipment	$ 4,700	
Item 832		
For east wing addition and reconstruction of Science Building ($533,000) and equipment ($30,000)		$ 563,000
Item 833		
For major repairs and improvements to land and buildings	$ 60,000	
It is provided, however, that no expenditure of this reappropriation may be made until the City of Richmond closes Shafer Street between Park Avenue and Franklin Street to vehicular traffic.		
I veto Item 833—*/s/ J. Lindsay Almond, Jr.*, 4/1/60.		
Total for Richmond Professional Institute (general fund)	$ 77,200	$ 573,000
MEDICAL COLLEGE OF VIRGINIA, AT RICHMOND		
College Division		
Item 834		
For books and periodicals		$ 10,000
Item 835		
For instructional television equipment		$ 7,000
Item 836		
For additional equipment		$ 13,000
Item 837		
For medical education building and equipment	$ 50,000	$ 4,400,000
This reappropriation includes $50,000 from former Item 612-A.		
It is provided that this appropriation of $4,400,000 from the general fund is made upon the condition that the Medical College of Virginia shall provide, exclusive of State appropriations, any additional sums necessary for the completion of this project.		
Item 838		
For purchase of property for, or in lieu of property provided for, institute for emotionally disturbed children	$ 10,000	
Item 839		
For dormitory	$ 5,000	
Item 840		
For animal housing and equipment	$ 5,000	
Item 841		
For completion of Wood Memorial building and equipment	$ 5,000	
Item 841a		
For sprinkler system	$ 13,000	

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	Reappropriations	Appropriations
Item 841b		
For dental equipment		$ 34,000
Total for the Medical College of Virginia, at Richmond, College Division (general fund)	$ 88,000	$ 4,464,000
Hospital Division		
Item 842		
For additional equipment		$ 20,000
Item 843		
For central heating plant modernization		$ 353,000
Item 844		
For renovating St. Philip Hospital	$ 20,000	$ 125,000
Item 845		
For refrigeration alterations		$ 32,000
Item 846		
For operating room air conditioning, modernization		$ 35,000
Item 847		
For fire protection	$ 10,000	
Item 848		
For oxygen tubing expansion	$ 5,000	
Item 849		
For pneumatic tube expansion	$ 2,000	
Item 850		
For St. Philip Hall lounge addition	$ 1,500	
Item 851		
For Randolph-Minor Hall addition and equipment	$ 1,000	
Item 851a		
For X-ray equipment		$ 75,000
Total for the Medical College of Virginia, at Richmond, Hospital Division (general fund)	$ 39,500	$ 640,000
UNIVERSITY OF VIRGINIA, AT CHARLOTTESVILLE		
University Division		
Item 852		
For law books		$ 43,000
Item 853		
For general books		$ 25,000
Item 854		
For steel shelving—law library		$ 15,000
Item 855		
For additional equipment		$ 32,000
Item 856		
For utilities—Copeley Hill		$ 63,500

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	Reappropriations	Appropriations
Item 857		
For outside utilities for new buildings	$ 115,000	
Item 858		
For renovations and additions to engineering building ($398,000) and equipment ($29,000)		$ 427,000
Item 859		
For plans for chemistry building		$ 113,000
It is provided that this appropriation of $113,000 from the general fund is made upon the condition that the plans developed will not require additional general fund appropriations greater than $3,500,000.		
Item 860		
For fieldhouse—gymnasium and equipment	$ 10,000	$ 1,000,000
This reappropriation includes $10,000 from former Item 639-A.		
It is provided that this appropriation of $1,000,000 from the general fund is made upon the condition that the University of Virginia shall provide, exclusive of State appropriations, any additional sums necessary for the completion of this phase of the project.		
Item 861		
For addition to Engineering School and equipment	$ 100,000	
Item 862		
For life science building and equipment	$ 1,900,000	
Item 862a		
For high voltage electric service		$ 120,000
(Clinch Valley College)		
Item 863		
For science and engineering building ($323,000) and equipment ($7,000)		$ 330,000
Item 864		
For gymnasium and auditorium, Clinch Valley College	$ 220,000	
Item 864a		
For roads and parking area		$ 13,850
(Northern Virginia College)		
Item 865		
For utilities		$ 250,000
Item 866		
For classroom, laboratory and administration building	$ 40,000	$ 1,350,000
This reappropriation includes $40,000 from former Item 644-A.		
Total for the University Division (general fund)	$ 2,385,000	$ 3,782,350
Hospital Division		
Item 867		
For office equipment		$ 4,000

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	Reappropriations	Appropriations
Item 868		
For household equipment		$ 10,000
Item 869		
For medical and laboratory equipment		$ 15,000
Item 870		
For fireproofing and remodeling, second phase	$ 60,000	$ 1,050,000
This reappropriation includes $60,000 from former Item 648.		
Item 871		
For multi-story hospital and equipment	$2,491,000	
This reappropriation also includes total balances in former Items 647 and 649.		
Total for Hospital Division (general fund)	$ 2,551,000	$ 1,079,000

Mary Washington College of the University of Virginia, at Fredericksburg

Item 872		
For books and periodicals		$ 30,000
Item 873		
For additional equipment		$ 40,000
Item 874		
For library addition ($419,000) and equipment ($11,000)		$ 430,000
Item 875		
For dormitory and equipment (132)	$ 1,000	
Item 876		
For correction of fire hazards	$ 28,000	
Item 876a		
For roads and walkways		$ 20,000
Total for Mary Washington College of the University of Virginia, at Fredericksburg (general fund)	$ 29,000	$ 520,000

VIRGINIA POLYTECHNIC INSTITUTE, AT BLACKSBURG

Item 877		
For medical and laboratory equipment		$ 100,000
Item 878		
For books and periodicals		$ 40,000
Item 879		
For additional equipment		$ 40,000
Item 880		
For utilities		$ 81,200
Item 881		
For steam line extensions	$ 5,000	

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	Reappropriations	Appropriations
Item 882		
For extension of sewage system	$ 2,000	
Item 883		
For science building and equipment	$ 5,000	
Item 884		
For student activities and physical education building and equipment	$ 500,000	
It is provided that this reappropriation of $500,000 from the general fund is made upon the condition that the Virginia Polytechnic Institute shall provide, exclusive of State appropriations, any additional sum necessary to complete this phase of the project.		
Item 885		
For biochemistry and animal nutrition laboratory and equipment	$ 100,000	
Item 886		
For engineering laboratory, classroom and office building ($725,000) and equipment ($70,000)		$ 795,000
Item 887		
For dairy barns ($153,000) and equipment ($8,000)		$ 161,000
Item 888		
For dining hall and equipment		$ 744,000
Item 889		
For dormitories (2—550) and equipment		$ 980,650
Item 890		
For central food storeroom ($81,600) and equipment ($2,400)		$ 84,000
Item 891		
For central storeroom		$ 175,000
Item 892		
For Davidson Hall renovation ($150,000) and equipment ($40,000)		$ 190,000
Item 893		
For turkey research plant and equipment, including site	$ 35,000	$ 150,000
Item 893a		
For seed processing and storage building		$ 50,000
Total for Virginia Polytechnic Institute, at Blacksburg (general fund)	$ 647,000	$ 3,590,850

Virginia Agricultural Experiment Station

Item 894		
For office equipment		$ 3,000
Item 895		
For medical and laboratory equipment		$ 75,000
Item 896		
For farm equipment		$ 8,000

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	Reappropriations	Appropriations
Item 897		
For other equipment		$ 10,000
Item 898		
For beef cattle research units ($53,000) and equipment ($1,000)		$ 54,000
Item 899		
For tobacco grading room ($8,400) and equipment ($200)		$ 8,600
Item 899a		
For temporary greenhouse at Holland		$ 5,000
Item 899b		
For swine nutrition building at Holland		$ 14,000
Item 899c		
For renovation and addition to swine farrowing house at Holland		$ 31,000
Total for Virginia Agricultural Experiment Station (general fund)		$ 208,600

Radford College, Woman's Division of Virginia Polytechnic Institute, at Radford

Item 900		
For books and periodicals		$ 20,000
Item 901		
For additional equipment		$ 15,000
Item 902		
For utilities	$ 5,000	$ 18,000
Item 903		
For dormitory (1—212) and equipment		$ 410,000
Item 904		
For sewage disposal plant—City of Radford		$ 75,000
Item 905		
For auditorium, administration, and fine arts building and equipment	$ 50,000	
Item 906		
For home economics practice house	$ 10,000	
Total for Radford College, Woman's Division of Virginia Polytechnic Institute, at Radford (general fund)	$ 65,000	$ 538,000

Roanoke Technical Institute

Item 907		
For utilities, roads and landscaping		$ 36,000
Item 908		
For classroom building and equipment	$ 30,000	$ 635,000

This reappropriation includes $30,000 from former Item 658-A.

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	Reappropriations	Appropriations
Total for Roanoke Technical Institute (general fund)	$ 30,000	$ 671,000

VIRGINIA MILITARY INSTITUTE, AT LEXINGTON

Item 909 For books and periodicals		$ 28,550
Item 910 For additional equipment		$ 78,500
Item 911 For heat exchange laboratory equipment		$ 50,500
Item 912 For physical training facilities		$ 40,000
Item 913 For gymnasium alterations ($49,000) and equipment ($7,500)		$ 56,500
Item 914 For hospital fireproofing ($107,000) and equipment ($3,000)		$ 110,000
Item 915 For field house alterations ($39,500) and equipment ($500)		$ 40,000
Item 916 For faculty quarters	$ 1,000	
Total for Virginia Military Institute, at Lexington (general fund)	$ 1,000	$ 404,050

VIRGINIA TRUCK EXPERIMENT STATION

Item 917 For medical and laboratory equipment	$ 3,000
Item 918 For farm equipment	$ 1,300
Item 919 For books and periodicals	$ 1,000
Item 920 For underground tile drains	$ 400
Item 921 For storage shed	$ 16,800
Item 922 For greenhouse and headhouse	$ 38,000
Item 923 For cold storage room	$ 3,000
Total for Virginia Truck Experiment Station (general fund)	$ 63,500

Item 924

There is hereby reappropriated the entire amount of any unexpended balance which exceeds $1,000 at the close of the previous biennium in each allotment made by authority of the Governor from the following reappropriations and appropriations made to the Governor's Office by Chapter 642 of the Acts of Assembly of 1958.

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Item 495, For purchasing real estate and making improvements thereon;

Item 496, For supplementing capital outlay appropriations;

Item 497, For preparation of preliminary plans of capital outlay projects by State agencies and institutions;

Item 498, For improvements to State-owned land, buildings and equipment;

Item 915, reappropriating certain unexpended balances.

TOTAL FOR CAPITAL OUTLAYS	$19,524,327	$39,343,330
To be paid from general fund	$18,719,167	$38,290,700
To be paid from special funds	$ 805,160	$ 1,052,630

EXPENDITURES LIMITED TO STATED PURPOSES AND NECESSARY AMOUNTS—TRANSFERS

Section 6. It shall not be lawful for the Comptroller to pay any State department, institution or other agency any money, except as is provided for in this act, or in pursuance of some act of the General Assembly making special appropriations therefor during the current biennium.

Section 7. Except as provided by Section 8 of this act none of the monies mentioned in this act shall be expended for any other purpose than those for which they are specifically appropriated. It shall be the duty of the Governor, as chief budget officer of the State, or his deputy, to see that this provision is strictly observed. Should he find that the said monies are not being expended in accordance with the provisions of this act, or that the expenditures under any appropriation herein are in excess of the amount necessary to carry out the purpose for which said appropriation was made, he is hereby given the power to restrain the Comptroller from making further disbursements, in whole or in part, out of said appropriations, to the offending State department, institution, officer or other agency of the State government receiving appropriations under the provisions of this act. He is further authorized to withhold funds from expenditure in the event factors, such as population in institutions, related to appropriation amounts differ from the estimates made of such factors as a basis for appropriation.

Should appropriation be withheld by the Governor from any such department, institution, officer, or other agency named in this act, or should transfers be authorized by the Governor, as hereinafter provided, a copy of the Governor's order in each case setting forth the reasons for withholding said appropriations or for authorizing the transfer of said appropriations, as the case may be, shall be preserved in the office of the Governor or the Division of the Budget and kept open for public inspection.

Section 8. It is provided that the several appropriations made by this act may not only be used for the purposes specified in this act, but authority is hereby given to the governing board of any department, institution or other agency of the State government, or, if there be no governing board, to the head of such department, institution or other agency named in this act, to transfer, within the respective department, institution or other agency, any such appropriations from the object for which specifically appropriated or set aside to some other object definitely and closely related to the object for which the appropriation was made. Subject to the same conditions, the governing board of any group of institutions may transfer appropriations between institutions and activities under its management and control. Such transfers may be made only with the prior written approval of the Governor, and only if an appropriation is also made by this act to said related object and if, in the opinion of the Governor and department head, later developments have rendered such transfers appropriate to carry out the original intention of the General Assembly in making this appropriation. The total amount appropriated

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to the respective department, institution, or group of institutions, or other agency of the State government shall in no case be exceeded.

AUTHORITY TO REDUCE APPROPRIATIONS WITHIN REVENUES

Section 9. All of the monies hereinabove appropriated as shown by the hereinabove contained items are appropriated upon the conditions set forth in this act. All appropriations made in any act passed at this session of the General Assembly shall be construed as subject to the same provisions and conditions contained in this section. All such appropriations, as well as those contained in this act, are hereby declared to be maximum and conditional appropriations, the purpose being to make the general fund appropriations payable in full in the amounts named only in the event the aggregate revenues to be collected and paid into the general fund of the State treasury during the current biennium, including any unexpended balance in general fund revenues brought forward from the previous biennium, are estimated by the Governor to be sufficient to pay all of the said appropriations payable from the said general fund in full; otherwise, the said appropriations shall be deemed to be payable in such proportions as the total sum of all appropriations out of the general fund of the treasury bears to the total amount of general fund revenue estimated as available from revenues to be collected and paid into the general fund of the State treasury in the current biennium, including any unexpended balance in general fund revenues brought forward from the previous biennium; in the event any such reduction in appropriations is found neccessary, it shall be made on a uniform percentage basis applicable alike to each appropriation made out of the general fund.

The Governor is hereby given the power and authority to examine and survey the progress of the collection of revenue applicable to the general fund of the State treasury, out of which the appropriations made by this act or by any other act are payable, and to declare and determine the amounts that can during each quarter of each of the fiscal years of the biennium be properly allocated to each respective appropriation. All reductions made, because of revised estimates of revenues, in allocations requested by any department, institution, or other agency of the State government within the amounts contained in their respective appropriations shall be uniform in percentage as to all such respective appropriations, provided that the Director of the Division of the Budget shall have authority so to restrict any such quarterly allocation as to prevent the expenditure out of any such appropriation of any amount in any quarter so large as to threaten a deficit in any such specific appropriation. In making such examination and survey, the Governor may require estimates of the prospective collection of revenues from the Comptroller, the State Tax Commissioner, the State Corporation Commission and any other revenue assessing or collecting agency of the State having information which in the opinion of the Governor may be pertinent. The Governor shall, subject to the qualifications herein contained, reduce all of said appropriations payable out of the general fund of the State treasury, made by this act or by any other act when, and to the extent, necessary to prevent any expenditure for the payment of the said general fund appropriations in excess of the revenues collected and paid into the said general fund of the State treasury during the current biennium, including any unexpended balance in general fund revenues brought forward from the previous biennium. Any reduction so made shall be applied to the appropriations payable from the general fund to local officers and employees in the same manner and degree as to departments, institutions or other agencies receiving appropriations from the general fund.

In exercising the powers and performing the duties set forth in the preceding paragraphs, the Governor shall in no case reduce the total appropriations made to any one department, institution or other agency therein referred to to any amount less than seventy-five per centum of the total of the original appropriations.

This section shall not be construed as authorizing any reduction to be made in the amounts herein appropriated for the payment of interest or sinking fund installments on the State's bonded debt, or for the payment of a legally authorized deficit, or in unexpended amounts or balances in appropriations made by any preceding session of the General Assembly and reappropriated by this act, or for the payment of pensions to Confederate veterans, their widows or dependents, or for the support of needy Confederate women, or Confederate veterans, or for car-

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ing for the graves of Confederate dead, nor as authorizing any reduction to be made in appropriations made herein, for social security and retirement fund requirements, to the Virginia Supplemental Retirement System, nor in any appropriation made to enable payments to be made in fulfillment of any contract for the construction and furnishing of any State building, nor as authorizing a reduction in the salary of any State officer where such reduction would be contrary to the Constitution of the State.

Where necessary to the exercise of the powers and duties conferred on the Governor by this section, he may enforce such uniform reductions in the salaries of State officials and employees on a flat or graduated basis as he may find necessary, provided that any such salary reduction which the Governor may order or require shall apply to salaries payable from special funds as well as to salaries payable from the general fund of the treasury.

Provided, further, however, that no reduction of more than 15 per cent shall be made under this section in any annual salary of any officer or employee.

This section shall not be construed as limiting the authority of the Governor under the Virginia Personnel Act to establish a uniform compensation plan and amendments thereto.

Section 10. Every appropriation set forth in this act for maintenance and operation of any State institution and made payable from the general fund of the State treasury is to supplement revenues earned and collected by such institution, exclusive of revenues paid into the general fund of the State treasury, and shall be paid from the general fund of the State treasury only insofar as shall be necessary to provide for the maintenance and operation of such institution; each such appropriation shall be reduced by the Governor insofar as the same is not so required. Provided, however, that this limitation shall not apply to appropriations, to institutions of higher learning, designated for scholarships.

AUTHORITY TO INCREASE APPROPRIATIONS

Section 11. The Governor is hereby authorized, in his discretion, to increase the appropriations to any of the agencies named in Section 21e of this act, to an amount not to exceed the revenues collected and paid into the general fund of the State treasury by such agency, during the current biennium.

It is provided, further, that the Governor is hereby authorized, in his discretion, to increase the appropriations to any of the institutions named in Section 21f, to an amount not to exceed the monies, fees and revenues collected and paid into the State treasury by the said institution, for a material expansion of the activities of the said institution, where in the judgment of the Governor such expenditure will result, within a period of twelve months from the granting of such permission by the Governor, in the repayment to the State treasury by the said institution of an equal or larger amount than the monies so expended.

Section 12. The Governor is hereby authorized, in his discretion, to increase the appropriations to any department, institution or other agency of the State government by the amount of credit established to such department, institution or other agency from the sale of surplus property under the provisions of § 2-265 of the Code of Virginia.

Section 13. Any amount paid to any department, institution or other agency of the State government as proceeds of an insurance policy may be expended to replace any property loss covered by such policy and is hereby appropriated, for expenditure as far as may be necessary, to make such replacement; provided, however, that the Governor's written approval shall first be obtained for any such expenditure.

Section 14. With the prior written approval of the Governor, any department, institution or other agency of the State government may expend, in addition to the appropriation herein made to such department, institution or other agency, any money, revenue or funds paid into the State treasury to the credit of said depart-

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ment, institution or other agency, in excess of such appropriations as proceeds of donations, gifts, Federal grants, or other special revenues when later developments are believed to make such expenditure necessary. Such expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made.

SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS AND FEDERAL GRANTS

Section 15. No donations, gifts or Federal grants whether or not entailing commitments as to the expenditure, or subsequent request for appropriation or expenditure, from the general fund of the State treasury shall be solicited or accepted by or on behalf of any department, institution or other agency of the State government without the prior written consent and approval of the Governor.

DEFICITS—AUTHORIZED, UNAUTHORIZED

Section 16. No State department, institution or other agency receiving appropriations under the provisions of this act shall exceed the amount of its appropriations, or incur obligations at a rate which would result in the creation of a deficit in its appropriations, except in an emergency, and then only with the consent and approval of the Governor in writing first obtained. No emergency shall be deemed to exist because of conditions which, by the exercise of reasonable care and good judgment, could have been foreseen when the General Assembly was in session. If any such department, institution or other agency shall exceed the amount of its appropriation without such consent and approval of the Governor in writing first obtained, the Governor is hereby directed to withhold his approval from such excess expenditure, and there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the State to make any appropriation hereafter to meet such deficit. Further, those members of any governing board of any such department, institution or other agency who shall have voted therefor, or, if there be no governing board, the head of any such department, institution or other agency, making any such excessive expenditure shall be personally liable for the full amount of such unauthorized deficit, and, in the discretion of the Governor, shall be deemed guilty of neglect of official duty, and be subject to removal therefor. Further, the Comptroller is hereby directed to make public any excess expenditure made without prior written approval of the Governor, and the Director of the Division of the Budget is hereby directed to set out in the next budget any excess expenditure whether or not approved by the Governor. The Governor is hereby directed to bring this provision of this act to the attention of the members of the governing board of each such department, institution or other agency of the State government, or if there be no governing board, to the head of each such department, institution or other agency, not later than the date this act becomes effective. The amount which the Governor may authorize any State agency or agencies to expend, out of the general fund of the State treasury, in excess of the appropriation for such agency or agencies, under the provisions of this section, during the current biennium, shall not exceed for all such agencies combined one per cent (1%) of the revenues collected and paid into the general fund of the State treasury during the last year of the previous biennium and the first year of the current biennium.

Any amount which a department, institution or other agency of the State government may expend in excess of its appropriation, under authority given by the Governor under this act to such department, institution or other State agency to exceed its appropriation or to incur a deficit, shall be first obtained by the said department, institution or agency by borrowing said amount on such terms and from such sources as may be approved by the Governor and the State Treasurer. At the close of business on the last day of the current biennium any unexpended balance of such loan shall be applied toward repayment of the loan.

CAPITAL OUTLAY

Section 17. In regard to each project for which a capital outlay appropriation or reappropriation is made in this act, or which is hereafter considered by the Governor for inclusion in the executive budget, the Governor is hereby required: (a) to determine the urgency of its need, as compared with the need for other capital outlay projects as herein authorized, or hereafter considered; and, (b) to determine whether the proposed plans and specifications for each capital outlay

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project for which appropriations or reappropriations are herein made, or hereafter considered, are suitable and adequate, and whether or not they involve expenditures which are excessive for the purposes intended; and, (c) to determine whether labor, materials, and other requirements if any, needed for the acquisition or construction of such project can and will be obtained at reasonable cost.

No architectural or engineering planning for, or construction of, any capital outlay project involving expenditure of State funds shall be commenced without the prior written approval of the Governor. The Governor, at his discretion, may release from any capital outlay appropriation or reappropriation made in this act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the appropriation therefor; provided, further, however, that the architectural or engineering fees paid on completion of the preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the appropriation.

Section 18. The State departments and agencies in Richmond which pay rentals for office and storage space, whether or not in State-owned buildings, may elect, with the consent of the Governor, as a means of eliminating such rentals, to contribute to the construction or purchase of a building or buildings to be owned by the State in which they shall be provided office and storage space without rental except for services provided. Such departments and agencies as elect, with the consent of the Governor, to make such contributions shall transfer from appropriate surplus special fund accounts to a special account in the Governor's Office a sum equivalent to the pro rata share of the cost of such building or buildings. The pro rata share shall be based upon the estimated minimum gross space requirements as approved by the Governor; for purposes of initial transfers the figures of $20.00 per gross square foot for office space and $10.00 per gross square foot for storage space shall be used. Any sums so transferred to the special account herein described shall be used solely for the planning and constructing or purchasing of office and storage space and of auxiliary equipment and utilities for the use of the departments and agencies contributing. For the use of office or storage space in such building no rental shall be charged the contributing agency or any bureau or division thereof except for services. This section shall not be construed as limiting or restricting in any way the exercise by the Director of the Division of the Budget of the authority given him by Section 2-75.1 of the Code of Virginia to utilize subject to the approval of the Governor any vacant property owned by the State and located near the Capitol Square for the purpose of providing parking facilities for officers and employees of the State and to allocate spaces therein and operate the same under such rules and regulations as he may prescribe.

Section 19. Funds received during the current or previous biennia from the sale of property by any department, institution or other agency of the State government, to the Richmond-Petersburg Turnpike Authority are hereby appropriated to the said State department, institution or other agency making such sale, for use only for capital outlay items and purchase of land as may be recommended by the governing board, or where there is no governing board, by the head of the said State department, institution or other agency, subject to the approval of the Governor.

PAYMENTS INTO SPECIAL FUND

Section 20. All monies, fees, charges, and revenues heretofore accumulated or hereafter collected for the inspection of agricultural products by the Department of Agriculture and Immigration shall be paid directly and promptly into the State treasury and shall constitute a special fund from which appropriations may be made for such inspection, notwithstanding any other provisions of law.

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PAYMENTS INTO GENERAL FUND

Section 21. Except for proceeds from the sale of surplus property as provided by § 2-265 of the Code of Virginia, where applicable, but otherwise notwithstanding any contrary provision of law, all of the following shall be paid directly and promptly into the general fund of the State treasury:

a. All monies, fees, charges, and revenues, excluding Federal grants, heretofore accumulated or hereafter collected by or on behalf of the agencies listed below:

State Water Control Board, under the provisions of § § 62-10 through 62-42, inclusive, of the Code of Virginia;

State Board of Welfare and Institutions or any institution under its control, for laundry work done by the central laundry number 1 of such institution;

Department of Agriculture and Immigration, from whatever source and notwithstanding any other provisions of law, not including, however, the funds collected under the cited sections of the Code of Virginia for sale of liming materials (§§ 143-145, inclusive), for auditing cooperative associations, weights and measures services (§§ 59-80 and 59-81), for certification of agricultural products (§§ 3-28 and 3-29), for use of the Virginia Quality Label (§§ 3-274 and 3-277), and for issuing permits for feeding garbage to swine (§ 3-598.4);

Division of Motion Picture Censorship, for the examination and licensing of motion picture films publicly exhibited in Virginia, and from all other sources;

Department of Conservation and Economic Development, by, from, or through the operation of the State parks, including entrance and concession fees and any and all other funds derived from the operation or use of such parks, except revenues collected under the provisions of the State Park Development Revenue Bond Act;

Jamestown Foundation, from any source, including sale, lease or right of use of property, but excluding any funds derived from gifts or donations;

State Registrar of Vital Statistics, under the provisions of §§ 20-50 through 20-55, inclusive, of the Code of Virginia;

Commission of Fisheries—all revenues, fees and charges collected by the Commission of Fisheries, provided, however, that this provision shall not apply to any such revenues which under the Constitution and laws of Virginia are payable into the literary fund;

Board of Commissioners to Examine Pilots, under the provisions of § § 54-536, 54-538, 54-539 and 54-541 of the Code of Virginia;

Medical College of Virginia and State Department of Health—all fees paid by tuberculosis patients at Ennion G. Williams Hospital;

Department of Taxation—all monies derived from licenses issued under § 58-402 of the Code of Virginia;

Department of Labor and Industry, or other agency, under the provisions of § § 40-96 through 40-120, inclusive, of the Code of Virginia.

b. All of the taxes upon inheritances hereafter collected, regardless of the date of the death of the decedent.

c. All fees or per diem collected by any superintendent of a State hospital for treatment of the mentally afflicted, or by any member of his staff, for the performance of services for which a fee or per diem is provided or paid, provided, however, that this provision shall not apply to any fee or per diem allowed by statute to any such superintendent or member of his staff when summoned as a witness in any court.

d. All fees and other charges hereafter collected by or on behalf or on account of the State Corporation Commission, or any division or bureau thereof, in pursuance of law, for regulating the sale of securities.

e. All monies, fees, taxes and charges, hereafter collected by either or any of the following boards or agencies, to-wit:

Virginia Board of Law Examiners

State Anatomical Board

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State Board for the Examination and Certification of Architects, Professional Engineers and Land Surveyors

State Board of Accountancy

State Board of Funeral Directors and Embalmers of Virginia

State Board of Medical Examiners

State Board of Examiners of Nurses

State Board of Opticians

State Board of Examiners in Optometry

State Board of Veterinary Examiners

Virginia Real Estate Commission

State Registration Board for Contractors

Board of Examiners (Mines)

Virginia State Board of Dental Examiners

or on their behalf by the Department of Professional and Occupational Registration.

f. All monies, fees and revenues which are required by law to be paid into the State treasury when collected by either or any of the following institutions and agencies:

Virginia Truck Experiment Station

The Penitentiary (not including the Industrial Department)

Central State Hospital (not including, however, revenues for services rendered Petersburg Training School)

Petersburg Training School

Eastern State Hospital

Southwestern State Hospital

Western State Hospital

Lynchburg Training School and Hospital

State Industrial Farm for Women

State Penitentiary Farm

Southampton Penitentiary Farm

Bland Correctional Farm (not including the Lime Grinding Plant)

Beaumont School for Boys

Bon Air School for Girls

Janie Porter Barrett School for Girls

Hanover School for Boys

g. All monies paid into the State treasury as reimbursement to the State for the cost of any examination or audit by the Auditor of Public Accounts of the books or records of any county, city, or other political subdivision, or any officer or agency thereof, of this State, the cost of which audit or examination is required by law to be borne by such county, city or political subdivision.

Section 22. From the revenues collected and paid into the treasury, by county and city treasurers, clerks of courts and delinquent tax collectors, or, other collecting officers, creditable to any fund or funds other than the general fund of the Commonwealth, the cost of collecting which has been paid from an appropriation out of the general fund of the Commonwealth, the Comptroller shall deduct the amount of cost of such collections and credit the same to the general fund of the Commonwealth to reimburse that fund for the expense paid therefrom.

Section 23. For each year of the current biennium, there shall be paid into the general fund of the State treasury for each department or agency of the State government or section thereof supported entirely from special funds a rental charge for any space it occupies in State-owned buildings at Richmond and/or a service charge. Rental charges shall be based upon the average amount of floor space occu-

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pied during each of said years, at an annual rate per square foot not exceeding the prevailing rate for equivalent commercial rentals as determined by the Governor, not exceeding, however, $3.75 per square foot for office floor space and $1.00 per square foot for storage floor space; provided, however, that rental charges shall not apply to occupancy of buildings purchased and maintained from special funds. Charges for service, including but not limited to such items as light, heat, power, water, janitorial and elevator service, and minor repairs, shall be based upon the cost of such service, determined in a manner approved by the Governor.

It shall be the duty of the Director of the Division of the Budget to report the rental charges and service charges, and the basis therefor, to the Comptroller on June 30th and December 31st in each of said fiscal years for the preceding six months; the Comptroller shall thereupon transfer to the general fund of the State treasury, from the respective appropriations made to the said departments, or agencies, or sections thereof, the amounts so specified.

Section 24. In order to reimburse the general fund of the State treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the sums stated below shall be transferred from the special funds specified to the general fund on January 1 of each year of the current biennium:

	First Year	Second Year
1. Alcoholic Beverage Control Fund (§ 4-23, Code of Virginia)		
For legal services by Department of Law	$ 12,000	$ 12,000
For auditing accounts of Virginia Alcoholic Beverage Control Board by Auditor of Public Accounts	$ 20,000	$ 20,000
For expenses incurred on account of said board by:		
Department of Accounts	$ 6,000	$ 6,000
Department of the Treasury	$ 6,000	$ 6,000
Department of Purchases and Supply	$ 6,000	$ 6,000
For expenses incurred for care, treatment, study and rehabilitation of alcoholics by:		
State Board of Health	$ 285,370	$ 288,400
State Hospital Board at the Central, Eastern, Southwestern, and Western State Hospitals	$ 583,000	$ 583,000
2. Forest Products Tax Fund (§ 58-838.7, Code of Virginia)		
For collection by Department of Taxation	$ 15,350	$ 16,000
3. State Corporation Commission (Funds cited in Items 105-109, inclusive)		
For share of Commission administrative and legal expenses, to be pro rated among such funds by the Commission with the approval of the Governor	$ 152,250	$ 152,250
4. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection and analysis of gasoline, diesel fuel and motor oils	$ 66,900	$ 48,900
5. Milk Commission Acount (§ 3-374, Code of Virginia)		
For legal services by Department of Law	$ 8,000	$ 8,000
Total	$1,160,870	$1,146,550

RESTRICTED EXPENDITURES

Advertising

Section 25. No public funds or money shall be expended by any State institution of higher learning to which an appropriation is made by this act, for the purpose of paying for advertisements or advertising intended or designed to promote

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student attendance, at any such institution; provided, however, that this provision shall not be construed as prohibiting the inclusion in college catalogs or bulletins of such pictures as are necessary to portray to a reasonable extent the more important architectural features, instructional facilities and student activities of any such State institution of higher learning.

Motion Picture Film Production

Section 26. No public funds or money shall be expended by any department, institution or other agency of the State government for the production of motion picture films except with the written approval of the Governor first obtained.

New or Additional Education Facilities

Section 27. No State institution of higher learning shall hereafter undertake or engage in the operation of any new or additional extension school, day school or junior college, without the approval of the General Assembly being first obtained nor shall any two-year institution of higher learning extend its course offerings beyond the two-year level without such approval.

New Activities

Section 28. No department, institution or other agency of the State government shall begin any new activity that will call for future additional capital outlay or that will require an increase in subsequent general or special fund operating expenses without first obtaining the authorization of the General Assembly; provided the Governor may in writing authorize new activities within the amounts and general purposes of the appropriations set forth in this act.

Automobiles

Section 29. No automobiles (including station wagons) shall be purchased by the State or any officer or employee on behalf of the State without the written approval of the Governor first obtained. The Governor is hereby authorized to transfer surplus motor vehicles among the departments, institutions and other agencies of the State government, and the Director of the Department of Purchases and Supply shall determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the departments, agencies and institutions affected by such transfers.

Travel

Section 30. All travel expense accounts shall be submitted on forms prescribed or approved by the Comptroller. Each account shall show the dates expenses were incurred or paid; points between which traveled; number of miles traveled when claim for reimbursement for mileage is made; method of travel, whether by railroad, steamship, bus, or, for hire, privately-owned or State-owned automobile; pullman fare, to be shown separate from regular fare; hotel expense; meals; incidental expenses, such as telegrams, telephone calls, etc., to be specified in each instance; a concise statement of the purpose of or reason for such travel expense. The Comptroller is specifically directed to withhold the issuance of warrants in payment of expense accounts submitted for "lump sum" amounts.

Provided that nothing in this section is to be construed as prohibiting the Governor from making rules and regulations providing for payments as "per diem" in lieu of actual expenses for lodging, meals and necessary gratuities where it has been previously determined to the satisfaction of the Governor that the "per diem" allowed is not in excess of average daily actual expenses of the traveler for lodging, meals and necessary gratuities, or in excess of $12.00 per day, whichever is the lower.

Allowances out of any of the appropriations made in this act by any and all of the departments, institutions or other agencies of the State government for actual expenses on account of the use of personal automobiles in the discharge of official duties shall not exceed seven cents per mile of actual travel; it is provided, however, that for the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the Governor may authorize an allowance not exceeding fifteen cents per mile. No additional allowance over

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and above the authorized amount per mile of actual travel shall be made for storage, or for any other expense exclusive of ferry, tunnel, turnpike or bridge tolls incident to the maintenance and operation of said personal automobiles; provided, however, that an additional allowance for storage may be made when payment for use of personal automobiles in the discharge of official duties is made at a rate per mile of actual travel not exceeding such rate charged to State agencies by the Central Garage for use of State automobiles.

Travel, whether by common carrier, or privately-owned or for-hire conveyance, shall be over the most direct practicable route. Allowances for travel shall not be approved by the head of any department, institution or other agency of the State government, nor be paid by the Comptroller, for amounts which exceed the standard common carrier rates between points traveled or which include charges incurred because the travel time is greater than that by standard common carrier. Provided, however, that in an emergency in the interest of the State, described on the expense account and approved as justified by the head of the department, institution or other agency, and by the Comptroller, a greater allowance for actual expenses may be paid.

STUDENT LOAN FUNDS

Section 31. The appropriations provided for in this act for making loans to students at the several State institutions shall be expended upon such terms and according to such rules as may be prescribed by the respective governing boards of the institutions for which the appropriations are made, in making loans to needy and deserving students of talent and character from Virginia in said institutions for the purpose of aiding these to obtain an education at such institutions, who might not be able otherwise to do so. The term "student" shall include medical interns and residents as well as other students. Such loans shall not exceed $300.00 in any one session to the same student. In the case of medical and dental students, loans not to exceed $500.00 may be made. They shall be made to said students upon such terms, as to time and security, as the Comptroller shall prescribe or approve; provided, however, that the rate of interest charged said students on such loans shall be three per centum per annum.

The said State students' loan funds shall be preserved from depletion by the said institutions; and together with the repayments and accretions thereto, shall be held and used for the purpose, and on the terms, specified in this act and no other; and each of said institutions shall annually, not later than July in each year thereafter, file, in the office of the Superintendent of Public Instruction, a statement, in detail, showing for the year past the amounts received by said funds, or the loans made, to whom made, and upon what terms, the amounts of the corpus of said funds, the amounts repaid to said funds, and from whom, and any other information deemed pertinent by the institution so reporting, or which may have been requested by the Superintendent of Public Instruction.

The Comptroller shall make no payment to any of the said institutions on account of the said students' loan funds unless and until the institutions applying for such payment shall have furnished the said Comptroller a certificate from the Superintendent of Public Instruction that such institution has complied, in all respects, with the foregoing requirements of this act in relation thereto.

The Auditor of Public Accounts shall annually audit and exhibit in his annual report the account of the said funds at each of the said institutions.

Where the student loan fund created by State appropriation is inadequate in amount at any institution to carry out fully the purpose for which this fund was established, the governing board and president of such institution, with the written consent and approval of the Governor first obtained, is authorized, for the purpose of providing an additional student loan fund, to borrow from such sources and on such terms as may be approved by the Governor an amount not to exceed $20,000, and to provide for such extensions or renewals of such loans as may be necessary. Such funds shall be used only in making loans to students in the same circumstances and under the same terms and regulations, as are herein prescribed for loans from the fund created by the State appropriations, and for no other purpose whatever. The repayments and interest accretions to said fund shall be used so far as may be necessary to repay the indebtedness of the institution created by the governing board and presiding officer thereof, in establishing said additional student loan fund. Such additional amounts may be borrowed by the governing

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board and president of the institution, with the Governor's approval, from time to time, as may be necessary to maintain the amount of said additional loan fund, whether in cash or notes receivable or both, including all amounts heretofore borrowed and not repaid, at $20,000.

Accounts shall be kept and reports rendered for all such additional loan funds in all respects as herein required for loan funds created by State appropriations, and the Auditor of Public Accounts shall annually exhibit in his report the amounts of the said additional loan funds at each institution.

It is hereby provided that the governing board of any State institution for which a Student Loan Fund has been established may, with the written approval of the Governor, cancel any indebtedness due such institution on account of a loan or loans made from such fund when such indebtedness has been outstanding more than fifteen years, and in the opinion of the president and governing board of the institution is uncollectible. Upon the cancellation of any such indebtedness a statement thereof describing the obligation in detail and the date of its cancellation shall be certified by the president of the institution to the Comptroller.

A loan to a student hereunder shall be deemed delinquent when not paid if due or when arrangements satisfactory to the institution have not been made, including some curtailment, within eighteen months after (a) graduation or (b) leaving the institution without graduating, or (c) completion of internship in the case of medical students.

The institution making the loan shall make every effort to collect the same when delinquent within the six month period following delinquency. If not collected within such six month period, the institution shall forward the same to the State Treasurer for collection, who shall promptly collect the same.

Section 32. Each institution to which appropriations for student loans are made or have been made under this act is authorized to employ not exceeding twenty-five per centum of the unobligated balances in such fund available to the institution as of June 30 of each fiscal year to establish a system of scholarships for graduates of Virginia high schools in accordance with the terms hereof:

(a) Any freshman student granted any such scholarship shall maintain at least a "C" average in his classes.

(b) Not more than twenty per centum of such scholarships shall be reserved for students in the sophomore year who have maintained at least a "C" average in their classes.

(c) The scholarships for freshmen shall be granted only to applicants classified as Virginia students who (1) rank in the upper fourth of their graduating class or (2) score at least 100 or more on the American Council on Education test or (3) score in the upper half of their class, on a national basis, on a similiar test.

(d) No scholarship provided for under this section shall be awarded to any person not eligible to be classified as a Virginia student nor then unless and until the applicant is needy and has satisfied the institution as to his lack of financial resources. No such scholarship shall exceed the rate of five hundred dollars or be less than three hundred dollars a year.

(d-1) It is further provided that any such institution may use all or any part of such scholarships as the institutional contribution to the National Defense Student Loan Fund for establishment of loan funds at the institution under such Federal program with such provision for repayment as appears proper to such institution.

(e) It is provided, however, that there shall be no employment of State student loan funds for the establishment of scholarships as herein authorized that would reduce the unobligated balance in any such fund below 50 per cent of the unobligated balance in such fund on July 1, 1958.

MISCELLANEOUS PROVISIONS

Section 33. Subject to uniform rules and regulations established by the Governor, the head of any department, institution or other agency of the State government may authorize, from any funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose, compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the purpose of becoming

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better equipped for their employment in the State service. The rules and regulations shall include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the State for expenditures incurred on behalf of the employee.

Section 34. It is hereby provided that the Governor may authorize or direct, in writing, under such terms and conditions as he may prescribe, the transfer of prisoner labor, or of farm commodities produced, at any State institution or institutions to any other State institution or institutions. It is further provided that unit prices of foodstuffs or other commodities produced on farms, fixed under § 2-128 of the Code of Virginia, shall become effective only with the prior written approval of the Governor.

Section 35. The Virginia School for the Deaf and the Blind, at Staunton, shall reimburse monthly the Western State Hospital, at Staunton, for steam furnished the said School for the Deaf and the Blind by the said Western State Hospital at a rate per thousand pounds of steam so furnished, to be fixed by the Director of the Division of the Budget with the approval of the Governor. Such rate shall include the actual cost of the production of such steam, by the Western State Hospital, as determined by the Chief Engineer of the Division of the Budget, including in said production cost all operating expenses, depreciation on heating plant buildings and equipment and interest on the amount invested therein. The amount received by the Western State Hospital from the said Virginia School for the Deaf and the Blind, under this section, shall be credited by the Comptroller to the appropriation for the Western State Hospital as a refund on the cost of fuel purchased by the said hospital.

Section 36. It is provided that State employees who are served with meals at State institutions shall be charged for such meals on a basis approved by the Director of the Division of the Budget; such charges shall not be less than the value of raw food and the cost of direct labor incidental to preparation and serving. It is further provided that employees who occupy living quarters at State institutions shall be charged rental on a basis approved by the Director of the Division of the Budget; the head of each institution shall promptly advise the Director of all changes which might affect the rental value of such quarters. All revenues received from such charges shall be paid directly and promptly into the State treasury to the credit of the fund from which money for the employees' salaries is appropriated; provided, however, that revenues from such charges at Blue Ridge Sanatorium, Catawba Sanatorium and Piedmont Sanatorium shall be paid into the general fund of the State treasury.

Section 37. The State Board of Welfare and Institutions shall establish, with the approval of the Governor, such rates of charge, rules and regulations as may be proper and necessary in the operation of central laundries at institutions under control of the Board, and shall, with the Governor's approval, fix and regulate from time to time the rates to be charged for laundry work done for other State institutions by said central laundries.

Section 38. During the current biennium, the compensation of each officer and employee who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing and no increase shall be made in the compensation of any officer or employee of the State government during the said biennium except with the Governor's written approval first obtained; provided, however, that these requirements for written approval by the Governor shall not be mandatory as to any person to whom the Virginia Personnel Act and rules issued pursuant thereto are applicable. In all cases where any officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount than is specified. Unless exceptional circumstances are found by the Governor, salaries for newly employed or promoted officers and employees shall be established at the entrance rates provided by the compensation and classification plans established by the Governor.

However, where considerations of efficiency and economy require, the Governor may authorize that specified positions be filled without written approval of the

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salary of each officer and employee entering such positions; such authorization shall be subject to rules and regulations prescribed by the Governor and, for permanent positions, shall specify rates and classes of positions in accordance with the compensation and classification plans established by the Governor.

Unless otherwise ordered by the Governor this section shall not apply to any employee whose salary or wage, including the cash value of perquisites as established by the Governor, amounts to an annual rate not exceeding $1,200 from all sources. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

For his assistance in carrying out the provisions of this section the Governor may require information in writing from the head of any department, institution or agency of the State government or from any employee thereof, upon any subject relating to the duties of any office or position in such department, institution or agency.

Section 39. Except when otherwise directed by the Governor, the Director of the Division of the Budget shall prepare and act upon the quarterly allotments of funds from appropriations required by this Act, and by § 2-200 of the Code of Virginia, and the authorizations for rates of pay required by this Act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any department, or institution or other agency of the State government to the Governor for reconsideration of any action taken by the Director of the Division of the Budget under this section.

APPROPRIATIONS TO NON-STATE AGENCIES

Section 40. No disbursement shall be made from any funds appropriated in this act to any society, institution, board, association, or agency, not owned or controlled by the State of Virginia, except with the consent and approval of the head or governing board of the supervisory department or agency herein designated. The payrolls or bills presented to the Comptroller for said expenditures shall be itemized as to service or commodity, unit cost, total cost, and name of person or organization receiving payment for the service or commodity, and shall be countersigned by the head or executive officer of the designated State department or institution, and lump sum transfers of appropriations to the aforesaid organizations are hereby prohibited. It shall be the duty of each of said organizations to submit its biennial budget estimates to the head or executive officer of the designated State department or institution for examination and approval of the form of submission and for transmission of the same to the Director of the Division of the Budget with such recommendations as may be considered necessary or advisable. The accounts of each of the said organizations shall be subject to audit by the Auditor of Public Accounts at the direction of the Governor.

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Society, institution, board, association, or agency	Supervised by
Virginia Division, United Daughters of the Confederacy	Comptroller
Confederate Museum at Richmond	State Librarian
Valentine Museum at Richmond	State Librarian
Virginia Historical Society (Battle Abbey), at Richmond	State Librarian
Robert E. Lee Memorial Foundation, Incorporated	State Librarian
Woodrow Wilson Birthplace Foundation, Incorporated	State Librarian
Historic Richmond Foundation	Director of Conservation and Economic Development
Barter Theater	Director of Conservation and Economic Development
Patrick Henry Memorial Foundation	Director of Conservation and Economic Development
Home for Needy Confederate Women	Director of Welfare and Institutions, subject to the approval of the State Board of Welfare and Institutions
Virginia Home for Incurables	Director of Welfare and Institutions, subject to the approval of the State Board of Welfare and Institutions
Virginia Institute of Scientific Research	State Chemist, Department of Agriculture and Immigration

REVERSION OF APPROPRIATIONS

Section 41. All the appropriations herein made out of the general fund of the State treasury for the current biennium, which have not actually been disbursed by warrants drawn by the Comptroller on the State Treasurer and are thus unexpended on the books of the Department of Accounts at the close of business on the last day of the current biennium shall, except as may be subsequently provided by the General Assembly, revert to and become a part of the general fund of the State treasury of the Commonwealth of Virginia, and shall not thereafter be paid by the Comptroller and the same shall be charged off upon the books in his office.

Section 42. As of the first day of the current biennium and subsequently, when any special fund, excluding trust funds, has had neither accretions nor withdrawals for a period of twelve months, the Comptroller shall promptly transfer and pay the balance into the unappropriated balance of the general fund of the State treasury; provided, however, that the Governor may direct the restoration of such special fund balance, or a part of it, within the twelve months following the transfer, if he deems there exists an appropriate need for expenditure of the sum, or a part of it, during this period.

LIMITED CONTINUATION OF APPROPRIATIONS

Section 43. Notwithstanding any contrary provision of law any unexpended balances on the books of the Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding ten (10) days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge against such unexpended balances.

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STATEMENT OF FINANCIAL CONDITION

Section 44. Each and every head of an organization, agency, institution or department handling any State funds shall, at least once each year upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by said Auditor of Public Accounts.

SEVERABILITY

Section 45. If any part or parts, section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part or parts, section, subsection, sentence, clause, phrase or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part or parts, section, subsection, sentence, clause or phrase had not been included herein, or if such application had not been made.

REPEALER

Section 46. All acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

EFFECTIVE DATE

Section 47. This act shall become effective on July 1, 1960.

CHAPTER 611

SENATE JOINT RESOLUTION NO. 13

Proposing amendments to Sections 1 and 2 of Article XVII of the Constitution of Virginia.

Agreed to by the House of Delegates, February 22, 1960
Agreed to by the Senate, February 9, 1960

Whereas, the proposed amendments to the Constitution of Virginia hereinafter set forth, were agreed to by a majority of the members elected to the two houses of the General Assembly at the session of nineteen hundred fifty-eight and referred to this, the next General Assembly, and published for three months, as required by the Constitution of Virginia, and as shown by report of such publication by the Clerk of the House of Delegates; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, a majority of the members elected to each house agreeing, that the following amendments to the Constitution of Virginia be, and the same hereby are proposed, in conformity with the provisions of Section one hundred ninety-six of the Constitution of Virginia, namely:

Strike from the Constitution of Virginia Sec. 1 of Article XVII thereof, which is as follows:

Sec. 1. Certain members of armed forces exempt from payment of poll tax and from registering as condition of right to vote.—No member of the armed forces of the United States, while in active service in time of war, shall be required to pay a poll tax or to register as a prerequisite to the right to vote in any and all elections, including legalized primary elections.

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And insert in lieu thereof the following:

Sec. 1. No member of the armed forces of the United States, while in active service, shall be required to pay a poll tax or to register as a prerequisite to the right to vote in any and all elections, including legalized primary elections.

Strike from the Constitution of Virginia Sec. 2 of Article XVII thereof, which is as follows:

Sec. 2. Relief from the assessment and payment of poll taxes as affecting the armed forces in certain cases.—All poll taxes for the years 1942, 1943, and 1944, assessed or assessable against any person who is, or who at any time during the existing World War II has been, a member of the armed forces of the United States in active service, are hereby canceled and annulled.

And, also, all poll taxes assessed or otherwise assessable for every year during any part of which such person is a member of said forces in active service during said war or any future war, and, also, for the three years next preceding such person's discharge from said active service, provided such discharge is not dishonorable, although such person was not in said service during all of said years, are hereby canceled and annulled. Members of the armed forces of the United States in active service in time of war shall be exempt from future assessments of poll taxes by this State for all years during a part of which they are hereafter engaged in such service.

And insert in lieu thereof the following:

Sec. 2. All poll taxes for the years 1942, 1943, and 1944, assessed or assessable against any person who is, or who at any time during the existing World War II has been, a member of the armed forces of the United States in active service, are hereby canceled and annulled.

And, also, all poll taxes assessed or otherwise assessable for every year during any part of which such person is a member of said forces in active service during said war or any future war, and, also, for the three years next preceding such person's discharge from said active service, provided such discharge is not dishonorable, although such person was not in said service during all of said years, are hereby canceled and annulled. Members of the armed forces of the United States in active service shall be exempt from future assessments of poll taxes by this State for all years during a part of which they are hereafter engaged in such service.

CHAPTER 612

HOUSE JOINT RESOLUTION NO. 33

Proposing an amendment to the Constitution of Virginia.

Agreed to by the House of Delegates, March 3, 1960

Agreed to by the Senate, March 12, 1960

Resolved by the House of Delegates of Virginia, the Senate concurring, a majority of the members elected to both houses agreeing, that the following amendment to the Constitution of Virginia be, and it hereby is, proposed and referred to the General Assembly at its next regular session held after the next general election of members of the House of Delegates for its concurrence, in conformity with the provisions of section one hundred ninety-six of the Constitution, namely:

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Insert in the Constitution of Virginia a new section numbered Sec. 50-a, as follows:

Sec. 50-a. In any case of enemy attack upon the soil of Virginia by nuclear fusion or fission bombs or devices, if the Governor by proclamation declares that due to the emergency created thereby a quorum of the General Assembly cannot be assembled, a lesser number, but not less than two fifths of the members elected to each house, may meet, and may enact legislation without regard to the limitations on required affirmative votes set forth in Sec. 50; provided, (a) that any such law may be enacted only by the recorded affirmative vote of four-fifths of the members of each house present and voting; (b) that no such law shall remain in effect longer than one year from the date of approval by the Governor and may not be again adopted except in compliance with Sec. 50 hereof; and (c) that each bill passed under this section shall set forth therein the proclamation of the Governor together with the text of such bill and the entire bill, including such proclamation, shall be subject to judicial inquiry as to the matters set forth therein.

CHAPTER 613

HOUSE JOINT RESOLUTION NO. 34

Proposing amendments to Sections 110, 118, 119 and 120 of the Constitution of Virginia

Agreed to by the House of Delegates, March 3, 1960

Agreed to by the Senate, March 12, 1960

Whereas, the proposed amendments to the Constitution of Virginia hereinafter set forth, were agreed to by a majority of the members elected to the two houses of the General Assembly at the session of nineteen hundred fifty-eight and referred to this, the next General Assembly, and published for three months, as required by the Constitution of Virginia, and as shown by report of such publication by the Clerk of the House of Delegates; now, therefore, be it

Resolved by the House of Delegates of Virginia, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same are hereby, proposed in conformity with the provisions of section one hundred and ninety-six of the Constitution of Virginia, namely:

Strike from the Constitution of Virginia Sec. 110, which is as follows:

Sec. 110. County officers, number, terms and compensation; county organization.—There shall be elected by the qualified voters of each county a treasurer, a sheriff, an attorney for the Commonwealth, and a county clerk, who shall be the clerk of the circuit court; and there shall also be elected by the qualified voters of each county one commissioner of the revenue.

The duties and compensation of such officers shall be prescribed by general law.

There shall be appointed for each county, in such manner as may be provided by law, one county surveyor.

The General Assembly may provide for the election or appointment of a superintendent of the poor, other ministerial and executive officers for each county, and for the election or appointment of such officers for two or more counties conjointly. The provisions for such conjointly elected or appointed officers shall apply only to such counties as may adopt the same

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by a majority vote of the qualified voters of each of such counties voting in any election held for such purpose.

The General Assembly may provide for the consolidation by two or more counties, or by one or more counties with one or more cities, of their charitable and penal institutions. But such consolidation shall apply only to such counties and cities as may authorize the same, in such manner as has heretofore been, or may hereafter be, prescribed by law.

Notwithstanding the provisions of this article, the General Assembly may, by general law, provide for complete forms of county organization and government different from that provided for in this article, to become effective in any county when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon.

And insert in lieu thereof the following:

Sec. 110 There shall be elected by the qualified voters of each county a treasurer, a sheriff, an attorney for the Commonwealth, and a county clerk, who shall be the clerk of the circuit court; and there shall also be elected by the qualified voters of each county one commissioner of the revenue; provided, if a majority of the qualified voters of each political subdivision affected so decide, in an election held for the purpose, any or all of such officers may be elected by the qualified voters of, and serve as such officer for, two or more counties, or counties and cities.

The duties and compensation of such officers shall be prescribed by general law.

There shall be appointed for each county, in such manner as may be provided by law, one county surveyor.

The General Assembly may provide for the election or appointment of a superintendent of the poor, other ministerial and executive officers for each county, and for the election or appointment of such officers for two or more counties or counties and cities conjointly. The provisions for such conjointly elected or appointed officers shall apply only to such counties as may adopt the same in the manner as shall be determined by the General Assembly.

The General Assembly may provide for the consolidation by two or more counties, or by one or more counties with one or more cities, of their charitable and penal institutions. But such consolidation shall apply only to such counties and cities as may authorize the same, in such manner as has heretofore been, or may hereafter be, prescribed by law.

Notwithstanding the provisions of this article, the General Assembly may, by general law, provide for complete forms of county organization and government different from that provided for in this article, to become effective in any county when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon.

Strike from the Constitution of Virginia Sec. 118, which is as follows:

Sec. 118. Clerks of city courts, elections, duties and number; only one in city of less than thirty thousand inhabitants. In each city which has a court in the office of which deeds are admitted to record, there shall be elected, for a term of eight years, by the qualified voters of such city, a clerk of said court, who shall perform such duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. In a city of less than thirty thousand inhabitants there shall be not more than one clerk of the court, who shall be clerk of all the courts of record in such city.

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And insert in lieu thereof the following:

Sec. 118. In each city which has a court in the office of which deeds are admitted to record, there shall be elected, for a term of eight years, by the qualified voters of such city, a clerk of said court, who shall perform such duties as may be required by law; provided, if a majority of the qualified voters of the political subdivision affected so decide, in an election held for the purpose, such clerk may be elected by the qualified voters of, and serve as such clerk for, two or more cities, or cities and counties.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. In a city of less than thirty thousand inhabitants there shall be not more than one clerk of the court, who shall be clerk of all the courts of record in such city.

Strike from the Constitution of Virginia Sec. 119, which is as follows:

Sec. 119. Commonwealth's attorney in cities; commissioner of revenue in cities.—In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected, for a term of four years, by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

In every city there shall be elected one commissioner of the revenue for a term of four years.

The duties and compensation of such officers shall be prescribed by law.

And insert in lieu thereof the following:

Sec. 119. In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected, for a term of four years, by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

In every city there shall be elected one commissioner of the revenue for a term of four years.

If a majority of the voters of the political subdivision affected so decide, in an election held for the purpose, either or both of such officers may be elected by the qualified voters of, and serve as such officer for, two or more cities, or cities and counties.

The duties and compensation of such officers shall be prescribed by law.

Strike from the Constitution of Virginia Sec. 120, which is as follows:

Sec. 120. City officers, their titles, election, powers and duties.—In every city there shall be elected, by the qualified voters thereof, one city treasurer, for a term of four years; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and a mayor for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities or towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers, and the members of the police and fire departments, and to remove such officers, and also such

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members of said departments, when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard de novo by the judge thereof, whose decision shall be final. He shall have all the other powers and duties which may be conferred and imposed upon him by general laws.

And insert in lieu thereof the following:

Sec. 120. In every city there shall be elected, by the qualified voters thereof, one city treasurer, for a term of four years; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and a mayor for a term of four years, who shall be the chief executive officer of such city; provided, if a majority of the qualified voters of the political subdivision affected so decide, in an election held for the purpose, such treasurer or sergeant or both may be elected by the qualified voters of, and serve as such treasurer or sergeant for, two or more cities, or cities and counties. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities or towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers, and the members of the police and fire departments, and to remove such officers, and also such members of said departments, when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard de novo by the judge thereof, whose decision shall be final. He shall have all the other powers and duties which may be conferred and imposed upon him by general laws.

CHAPTER 614

HOUSE JOINT RESOLUTION NO. 63

Proposing an amendment to Section 20 of the Constitution of Virginia.

Agreed to by the Senate, March 9, 1960

Agreed to by the House of Delegates, March 11, 1960

Resolved by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, that the following amendments to the Constitution of Virginia be, and the same hereby are, proposed and referred to the General Assembly at its first regular session held

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after the next general election of members of the House of Delegates for its concurrance, in conformity with the provisions of section one hundred ninety-six of the Constitution, namely:

Strike from the Constitution of Virginia Sec. 20 which is as follows:

Sec. 20. Who may register.—Every citizen of the United States, having the qualifications of age and residence required in section eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all State poll taxes legally assessed or assessable against him for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and

Second. That, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer, stating therein his name, age, date and place of birth, residence and occupation at the time and for the one year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registration officer, which questions, and his answers thereto, shall be reduced to writing, certified by the said officer, and preserved as a part of his official records.

And insert in lieu thereof the following:

Sec. 20. Every citizen of the United States, having the qualifications of age and residence required in section eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all State poll taxes legally assessed or assessable against him for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own handwriting, on a form which may be provided by the registration officer, without aid, suggestion, or other memorandum, in the presence of the registration officer, stating therein his name, age, date and place of birth, residence and occupation at the time and for the one year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registration officer, which questions, and his answers thereto, shall be reduced to writing, certified by the said officer, and preserved as a part of his official records.

CHAPTER 615

HOUSE JOINT RESOLUTION NO. 64

Proposing an amendment to Section 30 of the Constitution of Virginia.

Agreed to by the House of Delegates, March 2, 1960

Agreed to by the Senate, March 12, 1960

Resolved by the House of Delegates, the Senate concurring, a majority

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of the members elected to each house agreeing, that the following amendment to the Constitution of Virginia be, and the same is hereby, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence, in conformity with the provisions of section one hundred and ninety-six of the Constitution, namely:

Strike from the Constitution of Virginia Sec. 30, which is as follows:

Sec. 30. General Assembly may prescribe property qualification for voting in county, city or town elections.—The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town, such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected; provided, that the General Assembly, in its discretion, may make such exemptions from the operation of said property qualifications as shall not be in conflict with the Constitution of the United States.

And insert in lieu thereof the following:

Sec. 30. The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town, such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected; provided, that the General Assembly, in its discretion, may make such exemptions from the operation of said property qualifications as shall not be in conflict with the Constitution of the United States; provided, further, that the General Assembly may require, in every referendum required by the Constitution or laws of this Commonwealth to be held upon the question of the issuance of bonds or other obligations of the Commonwealth or any of its political subdivisions, that every voter in such referendum shall be a freeholder of land within the Commonwealth or within the political subdivision to be obligated, as the case may be and the General Assembly shall define who shall be a freeholder for the purposes of any such referendum.

I, E. Griffith Dodson, Clerk of the House of Delegates of Virginia, do hereby certify that the session of the General Assembly of the Commonwealth of Virginia at which the Acts of Assembly herein printed were enacted, adjourned sine die on March twenty-eighth, nineteen hundred sixty.

E. GRIFFITH DODSON,

Clerk of the House of Delegates
and Keeper of the Rolls of the State

Note: Except as otherwise specifically provided therein, all Acts of this session of the General Assembly become effective at the first moment of June 27, 1960.

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Joint Resolutions of the General Assembly

SESSION 1960

STUDIES AND REPORTS TO BE MADE

(Joint Resolutions to amend the Constitution have chapter numbers and precede the certificate of the Clerk)

HOUSE JOINT RESOLUTION NO. 21

Directing the Virginia Court Clerks' Association to make a study concerning the preservation of certain documents filed in the offices of the clerks of courts of record.

Agreed to by the Senate, March 12, 1960

Agreed to by the House of Delegates, March 12, 1960

Whereas, the statutes concerning the filing of documents in the offices of clerks of courts of record vary considerably concerning the period of time as to which such documents operate as a lien upon the property referred to in such documents, and many papers relating to criminal matters are accumulated in such offices; and

Whereas, the problem of storage of such documents and papers in the offices of such clerks imposes an increasing burden and it would appear that certain documents and papers might be destroyed under conditions which would safeguard the interests of all concerned; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, that the Virginia Court Clerks' Association is hereby directed to make a study and report upon the following matters: the statutes which set forth the period of time documents and other papers filed in the offices of clerks of courts of record establish and maintain a lien upon the property referred to in such documents and, in the case of other papers, the extent to which the public interest is protected by the requirement of continuing preservation; and the matter of whether or not legislation should be enacted to establish a point beyond which such clerks would be permitted to destroy documents when the lien created thereunder no longer exists and, in the case of other papers, the public interest no longer requires the preservation of such records. All agencies of the State shall assist the Virginia Court Clerks' Association in this study. The study shall not involve documents relating to real estate, wills, probate, and other matters involving the personal rights or privileges of individuals, nor any other papers or documents constituting a record of any proceeding in any court served by such clerks' offices; provided that in the discretion of the Virginia Court Clerks' Association the study may include the question of destruction, after an appropriate period, of criminal warrants involving misdemeanors and proceedings thereon. The Virginia Court Clerks' Association shall conclude its study and make its report to the Governor and General Assembly not later than September one, nineteen hundred sixty-one and shall set forth in its report such drafts of legislation as it deems appropriate to effectuate its recommendations.

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HOUSE JOINT RESOLUTION NO. 38

Directing the Virginia Advisory Legislative Council to continue the study of the laws relating to eminent domain.

Agreed to by the House of Delegates, March 10, 1960

Agreed to by the Senate, March 12, 1960

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to continue the study of the laws relating to eminent domain which it has made in pursuance of House Joint Resolution No. 19 of the 1958 session of the General Assembly. The Council is directed to have tentative drafts of proposed revisions of the eminent domain laws printed and circulated among interested persons and their comments solicited.

The Council shall submit to the Governor and the General Assembly, on or before October one, nineteen hundred sixty-one, a report of its recommendations, together with suggested legislation necessary to carry such recommendations into effect.

HOUSE JOINT RESOLUTION NO. 43

Directing the Virginia Advisory Legislative Council to make a study of the game, inland fish and dog laws of Virginia.

Agreed to by the House of Delegates, March 11, 1960

Agreed to by the Senate, March 12, 1960

Whereas, there has been no general revision of the laws of Virginia relating to game, inland fisheries, and dogs for many years, during which period of time conditions affecting the sports of hunting and fishing and affecting wild life conservation have materially changed in this State, and

Whereas, there are some ambiguities in the present law and some overlapping and duplications therein; now, therefore, be it

Resolved by the House of Delegates of Virginia, the Senate concurring, That the Virginia Advisory Legislative Council is directed to make a study of the laws of Virginia relating to game, inland fisheries, and dogs, with a view to adapting them to present conditions and to revising and clarifying them where this appears desirable. The Council shall complete its study and make a report to the Governor and General Assembly not later than October one, nineteen hundred sixty-one.

HOUSE JOINT RESOLUTION NO. 45

Creating a Commission to Study and Revise Title 28 of the Code of Virginia Relating to Fish, Oysters, and Shellfish.

Agreed to by the House of Delegates, March 7, 1960

Agreed to by the Senate, March 12, 1960

Whereas, the laws of this Commonwealth relating to fish, oysters, and shellfish contained in Title 28 of the Code of Virginia, are, to a certain extent, obsolete, not clear, impossible of enforcement; and

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Whereas, said laws should be studied and revised so as to be in the best interest of conservation of these great natural resources, to further the economy of the fish, oyster and seafood industries, and the economy of the Commonwealth; now, therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That there is hereby created a Commission on the Revision of Laws Relating to Fish, Oysters, and Seafood. The Commission shall consist of thirteen members, two of whom shall be appointed by the Lieutenant Governor from the Senate Committee on Fish and Game, three of whom shall be appointed by the Speaker of the House of Delegates from the House of Delegates Committee on Chesapeake and its Tributaries, and six of whom shall be appointed by the Governor from counties or cities contiguous to the tidal waters of Virginia. One each of the members appointed by the Governor shall be principally engaged in the (1) planting of oysters, (2) packing of oysters, (3) the tonging of oysters, (4) the catching of fin-fish, (5) the catching or packing of crabs and, (6) the maritime industry. The Commissioner of Fisheries and the Director of the Virginia Fisheries Laboratory shall be members of the Commission.

The Commission shall make an extensive study of the laws and problems relating to fish, oysters, and shellfish and, if necessary, revise and redraft Title 28 of the Code of Virginia. The Commission shall hold such meetings and public hearings as it may deem necessary. When the Commission has concluded its study and, if necessary, revision of Title 28 of the Code of Virginia, it shall submit its revision or study of said Title to the Commission of Fisheries, the Virginia Code Commission, and the Governor of Virginia, not later than September 1, 1961; the said revision with any recommendations or comments of the Commission of Fisheries, the Code Commission and the Governor, shall be submitted to the General Assembly of Virginia on or before January 1, 1962.

All agencies of the Commonwealth of Virginia which are concerned with fish, oysters, and shellfish shall assist the Commission in its study. The members of the Commission shall be paid the sum of twenty dollars per day, plus necessary expenses for their services. The Commission may employ legal and secretarial personnel. For this study and revision of Title 28 of the Code of Virginia, there is hereby appropriated a sum sufficient from the General Fund not to exceed ten thousand dollars.

HOUSE JOINT RESOLUTION NO. 48

Directing the Virginia Advisory Legislative Council to study the laws relating to accounting and bookkeeping.

Agreed to by the House of Delegates, March 11, 1960

Agreed to by the Senate, March 12, 1960

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to study the laws of Virginia relating to the practice of accounting and to bookkeeping, in order to determine whether the present regulation of the profession of accountancy and of those who perform or offer to perform bookkeeping for the public, is sufficient to protect the public interest, or whether there should be adopted additional regulatory legislation in this field. All agencies of the State government shall assist the Council on request. The Council shall

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complete its study and make a report to the Governor and General Assembly not later than October one, nineteen hundred sixty-one.

HOUSE JOINT RESOLUTION NO. 58

Continuing the Commission on Public Education.

Agreed to by the House of Delegates, March 2, 1960

Agreed to by the Senate, March 12, 1960

Whereas, the Commission on Public Education, created by Senate Joint Resolution No. 14, 1958, was able, in the limited time available to it to make only a partial survey of the various matters related to the public schools, and considerable study remains if a thorough evaluation of public education in Virginia is to be made; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Commission on Public Education, created by Senate Joint Resolution No. 14, 1958, is hereby continued. The Commission shall be composed of eleven members, of whom two shall be appointed by the President of the Senate from the membership of the Senate, three shall be appointed by the Speaker of the House of Delegates from the membership thereof, and six shall be appointed by the Governor from the State at large. The Governor shall appoint the chairman. The Commission is authorized to request the Department of Education to provide staff assistance or may employ such staff as it deems necessary. Members of the Commission shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses, for which, and for other expenses of the Commission, there is hereby authorized to be expended from the contingent fund of the General Assembly the sum of twenty thousand dollars.

The Commission is directed to continue its appraisal of the education of children in this State, including consideration of the curriculum in the schools, instructional methods, and the quality of the instruction, and what changes may be desirable to better prepare our schools to train our youth for best adjustment to our modern, complex society. The Commission shall complete its study and make a report to the Governor and General Assembly not later than October one, nineteen hundred sixty-one.

HOUSE JOINT RESOLUTION NO. 59

Directing the Virginia Advisory Legislative Council to study matters relating to milk inspection.

Agreed to by the House of Delegates, February 29, 1960

Agreed to by the Senate, March 12, 1960

Whereas, the present session of the General Assembly is beset by many issues of great magnitude and far-reaching consequence; and

Whereas, among these matters is the responsibility of certain State agencies for milk inspection, with a decision being required as to whether such activity should be the responsibility of the State Department of Health or of the State Department of Agriculture and Immigration; and

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Whereas, a decision on this question involves a review of the operations of each of these departments, the financial consequences involved in any change in the responsibility for milk inspection, and the General Assembly should have more information before acting upon this matter; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to make a study and report upon the responsibility for milk inspection and to make a recommendation as to whether the State Department of Health or the State Department of Agriculture and Immigration should be vested with the responsibility for milk inspection and matters in connection therewith. The Council is further directed to obtain the advice of the heads of these two agencies in arriving at its recommendation. All agencies of the State shall assist the Council in its study. The Council shall conclude its study and make its report to the Governor and General Assembly not later than September one, nineteen hundred sixty-one.

HOUSE JOINT RESOLUTION NO. 60

Requesting the Commission on Constitutional Government to make a study and report upon federal grants in aid.

Agreed to by the House of Delegates, March 10, 1960

Agreed to by the Senate, March 12, 1960

Whereas, the program of federal grants in aid has greatly expanded in recent years and has many ramifications and effects which should be explored in order to determine what course the Commonwealth of Virginia should take in relation thereto; and

Whereas, the Commission on Constitutional Government has, among other duties, the matter of assembling and making available to interested persons facts concerning the relationship between the states of the United States and other matters relating thereto; and

Whereas, a comprehensive study should be made of the effect of all federal grants in aid upon the activities and programs of the State and local governments with a view to determining the effect of such federal programs upon the financial policies of the Commonwealth of Virginia and of its political subdivisions; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Commission on Constitutional Government is directed to make a complete and comprehensive report upon (a) all federal programs involving grants in aid to the State and its political subdivisions, jointly or individually; (b) the effect of such federal programs upon the State and its political subdivisions, both as to instituting new governmental functions and enlarging or expanding existing functions; and (c) the effect of the several federal grants-in-aid programs upon the financial policies and practices of the State and of its political subdivisions. The Commission may associate and cooperate with groups of like aims and purposes and may associate with itself private individuals and groups who are interested in the subject matter of this study. All agencies of the State shall cooperate with the Commission upon its request in the pursuance of this study. The Commission shall conclude its study and make its report to the Governor and

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General Assembly not later than September one, nineteen hundred sixty-one.

HOUSE JOINT RESOLUTION NO. 74

Directing the State Council of Higher Education to coordinate various aspects of admission applications and procedures relating to tuition fees for institutions of higher learning and to make a study of tuition charges.

Agreed to by the House of Delegates, March 2, 1960

Agreed to by the Senate, March 12, 1960

Whereas, It is desirable that the applicant for admission to the several State supported institutions of higher learning should bear the reasonable cost of processing their applications so that these charges will not be borne by the taxpayers of the State of Virginia; and

Whereas, The several State supported institutions of higher learning individually prescribe their own tuition fees for resident and nonresident students and formulate the procedures and policies for such charges; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the State Council of Higher Education be, and it hereby is, directed to coordinate the various procedures used by the several State supported institutions of higher learning for the admission charges and applications of students so that the costs of such applications are borne by the applicants rather than the State; and that such proper charges are made upon acceptance of a student so as to protect the institution insofar as possible from the applicant who has no intention of attending such institution; and to make a study to consider tuition charges at the several State supported institutions of higher learning, the procedures used to determine such charges and the relationship of these charges to the cost of educational services rendered, the ability of the student to pay and differentials as between residents and nonresidents and to make recommendations as to the feasibility of creating a uniform system for such charges. The several State supported institutions of higher learning are requested to cooperate with the State Council of Higher Education in making this study. The Council shall complete its study and make its report to the Governor and the General Assembly not later than September one, nineteen hundred sixty-one.

HOUSE JOINT RESOLUTION NO. 88

Requesting the Judicial Council to make a study relating to discovery procedure.

Agreed to by the House of Delegates, March 10, 1960

Agreed to by the Senate, March 12, 1960

Whereas, there are possible advantages and disadvantages to expanding the rules of procedure for the taking of depositions for the purpose of discovery; and

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Whereas, many states have adopted this procedure successfully; and

Whereas, such practice could be established for uniform application throughout this State; and

Whereas, this procedure might better serve the ends of justice by requiring full disclosure of both the plaintiff's and defendant's testimony in certain circumstances; and

Whereas, such procedure might speed the cause of justice; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Judicial Council is hereby requested to make a comprehensive study and report upon the advisability of using a discovery procedure in criminal and civil cases and, if the adoption of such procedure seems justified, the safeguards it should include so as to prevent the misuse of any such procedural method. The Judicial Council is requested to consider the practices of other states in this regard. The Council is further requested to make its report to the Governor and General Assembly not later than July one, nineteen hundred sixty-one.

HOUSE JOINT RESOLUTION NO. 89

Directing the Virginia Advisory Legislative Council to continue its study of the laws of the State relating to zoning and planning.

Agreed to by the House of Delegates, March 11, 1960

Agreed to by the Senate, March 12, 1960

Whereas, the State of Virginia is becoming urbanized at an ever increasing pace, thus rendering it imperative to solve the problems created thereby in an orderly and efficient manner; and

Whereas, the laws relating to planning and zoning designed to insure orderly and efficient growth have not been revised generally since the same were first enacted, but have been amended from time to time as the exigencies of the then existing situation might dictate without regard to any comprehensive plan for the future; now, therefore, be it

Resolved by the House of Delegaes, the Senate concurring, That the Virginia Advisory Legislative Council is hereby directed to continue its study of the Statutes of Virginia relating to planning and zoning, particularly those contained in Chapters 8 and 9 of Title 10 and Chapters 23, 24, and 25 of Title 15 of the Code of Virginia. All agencies of the State, the Department of Conservation and Economic Development in particular, shall assist the Council in this undertaking. The Council shall complete its study and make its report to the Governor and the General Assembly not later than November one, nineteen hundred sixty-one.

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HOUSE JOINT RESOLUTION NO. 93

Directing the Virginia Advisory Legislative Council to study insurance on State-owned buildings.

Agreed to by the House of Delegates, March 12, 1960

Agreed to by the Senate, March 12, 1960

Whereas, the State owns a large number of buildings which are located throughout the State; and

Whereas, the principle of spreading risk of loss among a large number of hazards distributed over a wide geographic area is a fundamental concept of insurance; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is directed to make a study of the advisability of the State becoming self insured as to the risks insured against under fire and extended coverage insurance policies. In its study, the Council shall consider the number and value of buildings owned by the State, the insurance now carried thereon, the annual premium paid for such insurance, the average annual loss by reason of the perils insured against and the reserve that should be established in the event the State becomes self-insured.

The Council shall complete its study and make its report to the Governor and the General Assembly by December one, nineteen hundred sixty-one.

HOUSE JOINT RESOLUTION NO. 95

Requesting the Virginia State Bar and the Virginia State Bar Association to make certain studies and reports.

Agreed to by the Senate, March 12, 1960

Agreed to by the House of Delegates, March 12, 1960

Whereas, certain matters involving technical legal considerations have been offered for adoption by this session of the General Assembly and it appears that the two bar associations because of their special interest in these matters might properly be requested to make studies and reports thereon; now therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia State Bar and the Virginia State Bar Association are requested to make a study of the following matters and report thereon to the committees for Courts of Justice of the House of Delegates and Senate prior to the next regular session of the General Assembly.

1. Whether any changes should be made in the statutes relating to enforcement of a duty of support when the obligor and the obligee are not within the boundaries of the same state, with the view of seeking uniformity between the states but at the same time protecting the rights of individuals;

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2. Whether changes should be made in the law of Virginia relating to garnishment, with a view of simplifying the procedures involved in lessening the burden imposed on garnishees while at the same time protecting those seeking to enforce judgments by garnishment;

3. Whether the interest in real estate, in whole or in part, held by a tenant by the entireties should be subjected to satisfaction of a judgment against one of the tenants;

4. Whether the law as it affects a tenant by the entireties of personal property should be changed;

5. Whether charitable institutions should retain immunity from civil liability in tort cases, and whether it is necessary or desirable to provide insurance coverage, by virtue of mandatory insurance endorsements, to adequately protect such institutions and to prevent depletion of its resources by the negligence of its employees resulting in liability claims;

6. Whether changes should be made in the law of Virginia pertaining to fiduciaries, giving particular consideration to the provisions of Title 26 of the Code of Virginia;

7. Whether changes should be made in the law of Virginia relating to judgments by confession, giving particular consideration to such laws as are included in Article 2 of Chapter 18 in Title 8 of the Code of Virginia;

8. Whether the laws pertaining to the property rights of the surviving spouse should be changed, and if so, in what respects.

HOUSE JOINT RESOLUTION NO. 99

Directing the Jamestown Foundation to study the participation of Virginia in the New York World's Fair of 1964.

Agreed to by the House of Delegates, March 12, 1960

Agreed to by the Senate, March 12, 1960

Whereas a World's Fair is being planned to be held in the City of New York in 1964.

Whereas it is desirable within the next two years to study the extent to which Virginia should participate in this Fair.

Now, therefore, be it resolved by the House of Delegates, the Senate concurring, that the Jamestown Foundation be directed to study the desirability of Virginia participating in the Fair and the manner and extent of such participation if any such participation is recommended. In making such study the Foundation is authorized to call upon the State Department of Conservation and Economic Development, the Virginia Civil War Commission, the Virginia Museum of Fine Arts, the Virginia State Library, the Department of Education, the University of Virginia, and the several State Institutions of Higher Learning, and interested citizens and associations for assistance in the study. The Foundation is directed to make a report to the Governor and General Assembly by September 1, 1962.

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HOUSE JOINT RESOLUTION NO. 100

Directing the Virginia Advisory Legislative Council to continue its study of the problem of driving under the influence of intoxicants and the statutes relating thereto.

Agreed to by the House of Delegates, March 12, 1960

Agreed to by the Senate, March 12, 1960

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is hereby directed to continue its study of the problem of driving under the influence of intoxicants on the highways of Virginia and means which should be taken to combat it. The Council shall consider what changes in the statutes of Virginia might prove valid, feasible and desirable to eliminate drunken drivers from the highways of Virginia. All agencies of the State shall assist the Council in its study. The Council shall conclude its study and make its report to the Governor and General Assembly not later than September one, nineteen hundred sixty-one and shall set forth in its report such drafts of legislation as it deems appropriate.

SENATE JOINT RESOLUTION NO. 3

Directing the Virginia Advisory Legislative Council to continue its study of the peaceful uses of atomic energy.

Agreed to by the Senate, January 26, 1960

Agreed to by the House of Delegates, February 25, 1960

Whereas, the Virginia Advisory Legislative Council has, pursuant to the direction of the General Assembly, been studying the peaceful uses of atomic energy, and has reached the conclusion that no action to impose State regulation in this field should be taken at this time but that developments in the future should be carefully studied; and

Whereas, there has been proposed for adoption by this Commonwealth an interstate compact with certain other Southern states looking toward joint action to develop, utilize and regulate peaceful uses of atomic energy in this region, which compact is the product of long study by a distinguished group of scientists and which compact has many features which would prove advantageous to this State; now, therefore,

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Virginia Advisory Legislative Council is directed to continue its study of the peaceful uses of atomic energy for scientific, industrial and medical purposes, and what legislation, if any, should be adopted to encourage participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with security and the health and safety of the public. In connection with its study the Council shall consider the desirability of entry by Virginia into the proposed Southern Interstate Nuclear Compact, either in its present form or with modifications. Agencies of the State government shall assist the Council on request. The Council shall complete its study and make its report to the Governor and the General Assembly not later than November 1, 1961.

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SENATE JOINT RESOLUTION NO. 6

Directing the Virginia Advisory Legislative Council to study the statutes relating to architects and professional engineers and recommend appropriate statutory definitions for the practice of these professions.

Agreed to by the Senate, January 26, 1960

Agreed to by the House of Delegates, March 10, 1960

Whereas, the present statutes relating to architects and professional engineers do not set out a full definition of the practice of the profession of architect or professional engineer; and

Whereas, the work of architects and professional engineers is of vital interest to the public service since it is relied on by the public and the individual for both safety and comfort; and

Whereas, a full statutory definition of the professions is necessary if they are to be effectively policed in the interest of the public welfare; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby directed to make a study of the statutes relating to architects and professional engineers and recommend appropriate statutory definitions for the practice of these professions to the end that the public may be properly protected.

The Council shall conclude its study and make its report to the Governor and General Assembly not later than October one, nineteen hundred sixty-one.

SENATE JOINT RESOLUTION NO. 9

Directing the Virginia Advisory Legislative Council to study the economic situation of passenger railroad traffic and to suggest, plan and present legislative measures for the relief thereof.

Agreed to by the Senate, February 24, 1960

Agreed to by the House of Delegates, March 10, 1960

Whereas, The railroads of the Commonwealth have for many years provided a convenient, safe and rapid method of transportation for the people of the Commonwealth and for travelers visiting Virginia, and have provided for their own terminal facilities and for the construction and maintenance of the right of way; and

Whereas, The interest of the Commonwealth and its people will be promoted by the preservation of a railroad economy; and

Whereas, Although the Governor's Highway Safety Committee has scored marked successes in reducing highway deaths and personal injuries, nevertheless, death and injury on the public highways continue at an alarming rate; and

Whereas, The preservation of a railroad economy with its many benefits to public health, convenience and necessity, depends upon a modern

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approach to the problems of maintaining good service, suitable terminals and right of way; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Virginia Advisory Legislative Council is directed to make a study of the economic situation of passenger railroad traffic and to suggest, plan, and present legislative measures for the relief thereof.

In making this study the Council shall have the following duties:

1. To inquire into the economic situation of passenger railroad traffic, with particular reference to the cost of maintaining terminals and rights of way.

2. To formulate methods of attracting greater passenger traffic.

3. To formulate methods of providing increased passenger service.

4. To suggest, plan and present legislative measures for tax relief, with particular reference to the equities involved in competition with other modes of public travel.

5. To suggest, plan and present legislative measures for State and/or public subsidy, with particular reference to the equities involved in competition with other modes of public travel.

The Council shall complete its study and make its report to the Governor and General Assembly not later than October thirty-one, nineteen hundred sixty-one. All agencies of the State shall assist the Council in its study.

SENATE JOINT RESOLUTION NO. 17

Creating a Commission to study the grading of certain live stock.

Agreed to by the Senate, February 8, 1960

Agreed to by the House of Delegates, March 2, 1960

Whereas, the production and marketing of lambs, calves and hogs constitutes an important source of income in our agricultural economy; and

Whereas, recent changes in the prices, methods and formulae used by the authorities who grade such live stock have seriously and adversely affected the prices paid producers of lambs, calves, and hogs; and

Whereas, in order for the producers of such live stock to change their production method in order to take care of changes in grading practices, it is necessary that they be informed as to the standards employed in grading such live stock; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That a Commission composed of seven members is hereby created to make a study and report upon the present methods and formulae used by those grading lambs, calves, and hogs, which will be sold for commercial purposes. The Commission shall be composed of three members appointed from the membership of the House of Delegates by the Speaker thereof, two members of the Senate, appointed by the President thereof, and ex officio, the Commissioner of Agriculture and Immigration and the head of the Department of Animal Husbandry at Virginia Polytechnic Institute.

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All agencies of the State shall assist the Commission in its work. The Commission shall hold such hearings and gather such evidence as it deems necessary to the attaining of its objectives. The Commission shall ascertain and set forth in its report those factors or other guides to which the graders of lambs, calves, and hogs give the greatest attention and which have the greatest effect upon the prices obtained by the producer. The Commission shall conclude its study and make its report on or before October one, nineteen hundred sixty, in order that producers of such live stock may avoid further losses. The members of the Commission shall receive no compensation for their services but shall be paid for their necessary expenses and for which and for such secretarial and other expenses as the Commission may incur which there is hereby appropriated the sum of $2,000 to be paid from the Contingent Fund of the General Assembly.

SENATE JOINT RESOLUTION NO. 18

Directing the Virginia Advisory Legislative Council to study the laws relating to sexual sterilization.

Agreed to by the Senate, March 12, 1960

Agreed to by the House of Delegates, March 12, 1960

Whereas, the grounds for compulsory sexual sterilization of persons, as set forth in Chapter 9 of Title 37 of the Code of Virginia, do not appear to be in keeping with advances made in medical science since such laws were enacted; and

Whereas, compulsory sexual sterilization for the reason that a person by the laws of heredity is the probable potential parent of socially inadequate offspring should not be ordered unless such conclusion is based on the most recently available medical knowledge; and

Whereas, a person may be afflicted with a mental illness which is not hereditary but which renders him or her incapable of assuming the responsibilities of parenthood; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby directed to review the provisions of Chapter 9 of Title 37 of the Code of Virginia in the light of knowledge most recently available to the medical profession in the fields of hereditary forms of mental illness, mental deficiency and epilepsy, and the treatment thereof. The Council shall recommend any changes in such laws which appear necessary in the light of such medical knowledge.

All agencies of the State shall assist the Council in its study. The Council shall conclude its study and make its report to the Governor and the General Assembly not later than October one, nineteen hundred and sixty-one.

The members of the Council shall receive no compensation for their services but shall be paid their necessary expenses which, together with such secretarial and other expenses that the Council may incur, shall be paid from the contingent fund of the General Assembly to an amount not exceeding fifteen hundred dollars.

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SENATE JOINT RESOLUTION NO. 20

Requesting the Supreme Court of Appeals and the Judicial Council to study the circuit and corporation court system.

Agreed to by the Senate, February 11, 1960

Agreed to by the House of Delegates, March 11, 1960

Whereas, it appears that wide variations exist in the work load of the several courts of record of the counties and cities of this State, resulting in wide differences in the speed with which the administration of justice proceeds in different localities, and it is proper that these matters be dealt with on a State-wide basis rather than piecemeal; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, that the Supreme Court of Appeals of Virginia and the Judicial Council are requested to make a study of the work of the several courts of record of the counties and cities with a view to establishing the work loads of the courts, the variations between them, the jurisdiction and administrative duties of such courts, and whether, by administrative action or statutory changes, an equalization of such work loads may be accomplished with a view of increasing the efficiency of the administration of justice throughout the State. The Court and Council are further requested to make a report to the Governor and General Assembly prior to the next regular session of the General Assembly containing their recommendations for improvements in the judicial system.

SENATE JOINT RESOLUTION NO. 41

Continuing the joint commission to consider matters relating to passenger carrier facilities in the Washington metropolitan area.

Agreed to by the Senate, March 3, 1960

Agreed to by the House of Delegates, March 12, 1960

Whereas, the General Assembly has heretofore provided for the appointment of a joint commission composed of one member of the House of Delegates appointed by the Speaker thereof, one member of the Senate of Virginia appointed by the President thereof, and one member of the State Corporation Commission appointed by the Commission to serve on a joint commission to study passenger carrier facilities and services in the Washington metropolitan area and such commission has been continued; and

Whereas, the Commonwealth of Virginia has proposed a compact known as the Washington Metropolitan Area Transit Regulation Compact for adoption on behalf of the District of Columbia and the State of Maryland under which transportation within the Washington metropolitan area would be regulated in the best interest of all concerned and by a single agency; and

Whereas, the commission heretofore created should be continued in order to keep the Commonwealth advised as to developments in this area; now, therefore, be it

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Resolved by the Senate, the House of Delegates concurring, That the joint commission heretofore created by the General Assembly to study passenger carrier facilities and services in the Washington metropolitan area is continued. If any person representing Virginia has ceased to be, or hereafter ceases to be, a member of the House of Delegates, or of the Senate, or of the State Corporation Commission, his successor shall be appointed in the same manner and for the same term as the person originally appointed was designated to serve on such joint commission. The joint commission shall continue to discharge the duties originally imposed upon it and to make such reports to the Governor and General Assembly from time to time as may be necessary.

SENATE JOINT RESOLUTION NO. 43

Directing the Virginia Advisory Legislative Council to study certain portions of the labor laws of Virginia.

Agreed to by the Senate, March 4, 1960

Agreed to by the House of Delegates, March 12, 1960

Resolved by the Senate, the House of Delegates concurring, That the Virginia Advisory Legislative Council is directed to make a study of those parts of the labor laws of Virginia relating to the Bureau of Labor and Industry, employment agencies, and the protection of employees generally, as contained in Chapters 1, 2 and 3 of Title 40 of the Code of Virginia. The Council shall determine whether these statutes conform to modern conditions, whether they accomplish the results intended, and whether they are unduly restrictive in any way. All agencies of the State shall assist the Council on its request. The Council shall complete its study and make a report containing its findings and recommendations to the Governor and General Assembly not later than October one, nineteen hundred sixty-one.

SENATE JOINT RESOLUTION NO. 45

Requesting the State Board of Education to make a study and take such action as deemed necessary to assure safety of children who are taken on and discharged from school buses operating on divided highways.

Agreed to by the Senate, March 4, 1960

Agreed to by the House of Delegates, March 10, 1960

Whereas, the school bus operation in the Commonwealth has for many years provided safe transportation for school children; and

Whereas, children who ride school buses are finding it increasingly difficult to cross divided highways with safety; and

Whereas, the extent of divided highways is becoming greater; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the State Board of Education be and hereby is requested to make

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a study of the problems involved in the safe operation of school buses on divided highways with due consideration being given to the safety of the children and the movement of traffic thereon, and take such action as deemed necessary to assure safety of children who are taken on and are discharged from school buses operating on such divided highways.

SENATE JOINT RESOLUTION NO. 52

Creating a Commission on Registration.

Agreed to by the Senate, March 8, 1960

Agreed to by the House of Delegates, March 12, 1960

There is hereby created a Commission on Registration composed of eleven members to consist of the chairman and six members of the Committee on Privileges and Elections of the House of Delegates designated by him, and the chairman and three members of the Committee on Privileges and Elections of the Senate designated by him. The Commission shall make a study and report upon the registration of voters and shall make a report to the Governor and General Assembly not later than September one, nineteen hundred sixty-one setting forth its findings and recommendations.

The Commission on Registration shall elect its chairman and such officers as are deemed necessary. The members of the Commission shall be compensated at the rate and in the manner provided by Code § 14-29.1 and shall be paid their actual expenses incurred in the performance of duty. The Commission may employ such assistance as it deems necessary. The expenses of the Commission, and the per diem expenses of the members shall be paid from the contingent fund of the General Assembly from which there is hereby appropriated the sum of five thousand dollars.

SENATE JOINT RESOLUTION NO. 53

Directing the Commission for Economy in Governmental Expenditures to consider programs of certain State institutions.

Agreed to by the Senate, March 12, 1960

Agreed to by the House of Delegates, March 12, 1960

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Commission for Economy in Governmental Expenditures is directed to consider the programs being conducted at the several State sanatoria and other institutions for the care of tubercular patients with a view of determining whether economies can be effected therein. The Commission shall determine the number of beds available in such institutions and present and anticipate case loads thereof and shall consider whether mergers of some of such institutions can be effected now or in the near future. If it appears that such a merger or mergers be practical, the Commission shall determine how the best use can be made of the surplus facilities which would become available. In this connection the Commission shall also determine the number of aged and senile persons being

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cared for in such institutions and in institutions under the control of the Department of Mental Hygiene and Hospitals and whether it is possible to provide custody and care for such persons more economically than is now being done. All agencies of the State shall assist the Commission on its request. The Commission shall complete its study and make its report to the Governor and General Assembly not later than September one, nineteen hundred sixty-one.

SENATE JOINT RESOLUTION NO. 54

Directing the Virginia Advisory Legislative Council to make a study and to report upon the laws concerning contracts and plans for hospitalization, medical and surgical services.

Agreed to by the Senate, March 12, 1960

Agreed to by the House of Delegates, March 12, 1960

Whereas, the public welfare of Virginia requires the solvency and soundness of contracts and plans for hospitalization, medical and surgical services, under which approximately 700,000 of its citizens are presently protected; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Virginia Advisory Legislative Council be and the same is hereby directed to make a comprehensive study of the contracts and plans for hospitalization, medical and surgical services, as authorized by Title 32, Chapter 11 of the Code of Virginia of 1950 as amended, and without excluding any phase of the subject not herein specifically mentioned, to include within the scope of the Council's scrutiny:

1. The operating practices, actual and potential, under such contracts and plans.

2. The matter of rates and the bearing thereon of administrative, medical, hospital, and other costs.

3. The advisability of deductible provisions, both voluntary and compulsory.

4. The nature and size of desirable reserves.

5. Taxation of annual gross premiums, dues or charges received by such plans for services rendered or to be rendered.

6. The extent, if any, to which such plans should be classified and treated as insurance.

7. All other ancillary and pertinent phases of the subject under investigation.

The Council shall complete its study and make a report, containing its recommendations, to the Governor and the General Assembly not later than November one, nineteen hundred sixty-one.

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SENATE JOINT RESOLUTION NO. 57

Directing the Virginia Advisory Legislative Council to study the desirability of an allowance to dealers in motor vehicle fuels for shrinkage, evaporation and otherwise.

Agreed to by the Senate, March 12, 1960

Agreed to by the House of Delegates, March 12, 1960

Whereas, the General Assembly has had before it for consideration at this session an increase in the taxes levied by the Commonwealth of Virginia on motor vehicle fuel; and

Whereas, an increase in the tax on motor vehicle fuels may result in an increase in the losses experienced by dealers in motor vehicle fuels through shrinkage, evaporation and otherwise; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, that the Virginia Advisory Legislative Council is directed to study the desirability of granting dealers in motor vehicle fuels an allowance to cover their losses through shrinkage, evaporation and otherwise. The Council shall consider how such losses might best be apportioned and what would constitute a proper allowance to dealers on the part of the Commonwealth. All agencies of the State shall assist the Council in its study. The Council shall conclude its study and make its report to the Governor and General Assembly not later than October 1, 1961.

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SUPREME COURT OF APPEALS OF VIRGINIA

Annual term commences on first Monday in October. Sessions at Richmond and Staunton, at such times and for such periods as the Court may direct.

CIRCUIT COURTS OF VIRGINIA

Times for the Commencement of the Regular Terms
(Cities and towns of 5,000 or over having no separate circuit court, shown in parentheses.)

CIRCUIT	COUNTY OR CITY	TERM
First	Norfolk County..... (So. Norfolk)	First Monday in January, February, March, April, May, June, July, October, November and December.
Second	Nansemond.....	Second Monday in January, March, May, July and October.
	Southampton.....	Third Monday in January, March, May, July and October.
	Suffolk.....	Fourth Monday in January, March, May, July, and October.
Third	Prince George.....	Third Tuesday in January, March, May, July, September and November.
	Sussex.....	Second Tuesday in January, March, May, July, September and November.
	Surry.....	Fourth Tuesday in January, March, May, July, September and November.
	Greensville..... (Emporia)	First Tuesday in February, April, June, October and December.
	Brunswick.....	Fourth Tuesday in February, April, June, and October, and on the first Tuesday in September.
	Hopewell.....	Second Tuesday in February, April, June, October and December.
Fourth	Dinwiddie.....	Third Monday in January, March, May, July, September and November.
	Nottoway.....	First Monday in March, June, September and December.
	Amelia.....	Fourth Monday in March, June and September and first Monday in January.
	Powhatan.....	Fourth Monday in February, May, July and October.
	Petersburg.....	First Monday in April and October.
Fifth	Appomattox.....	Tuesday after the first Monday in April, June, October and December.
	Charlotte.....	Tuesday after the first Monday in January, March, May, July, September and November.
	Cumberland.....	Tuesday after the fourth Monday in January, April, June and September.
	Prince Edward.....	Tuesday after third Monday in January, April, June, September and November.
	Buckingham.....	Tuesday after second Monday in January, April, June, September and November.

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CIRCUIT COURTS OF VIRGINIA—CONTINUED

CIRCUIT	COUNTY OR CITY	TERM
Sixth	Bedford	First Tuesday in January, March, May, July, September and November. Judge may change.
	Campbell	Second Monday in January, March, May, July, September and November. Judge may change.
	Lynchburg	Third Monday in January, March, May, July, September and November. Judge may change.
Seventh	Henry	Third Monday in January, first Monday in April, third Monday in July and first Monday in October.
	Patrick	First Monday in March, June, September and December.
	Martinsville	Second Monday in February, first Monday in May, fourth Monday in July and first Monday in November.
Eighth	Madison	First Monday in January, March, May, July, September and November.
	Fluvanna	Fourth Monday in February, April, June, August and October.
	Greene	Third Monday in January, March, May, July, September and November.
	Albemarle (Charlottesville)	First Monday in February, April, June, August, October and December.
Ninth	Culpeper	Third Monday in February, April, June, August, October and December.
	Orange	Fourth Monday in January, March, May, July, September and November.
	Louisa	Second Monday in January, March, May, July, September and November.
	Goochland	Second Monday in February, April, June, August, October and December.
Tenth	Henrico	First Monday in January, April, July and October.
	Richmond City	First Monday in February, May and November.
Eleventh	Hampton	First Monday in February, April, June, August, October and December.
Twelfth	Richmond County	First Monday in January, March, May, July, September and November.
	Northumberland	Second Monday in February, April, June, August, October and December.
	Westmoreland	Fourth Monday in February, April, June, August, October and December.
	Lancaster	Third Monday in January, March, May, July, September and November.
	Essex	Third Monday in February, April, June, August, October and December.
Thirteenth	Gloucester	First Monday in January, March, May, July, September and November.

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CIRCUIT COURTS OF VIRGINIA—CONTINUED

CIRCUIT	COUNTY OR CITY	TERM
Thirteenth	Mathews	Third Monday in January, March, May, July, September and November.
	King and Queen	Second Monday in February, April, June, August, October and December.
	King William	First Monday in February, April, June, August, October and December.
	Middlesex	Fourth Monday in January, March, May, July, September and November.
Fourteenth	New Kent	First Monday in January, March, May, July, September and November.
	Charles City	Third Monday in February, April, June, October and December and fourth Thursday in July.
	York	First Monday in February, April, June, October and December and second Monday in July.
	James City and Williamsburg	Second Monday in February, April, June, October and December and fourth Monday in July.
Fifteenth	King George	First Monday in January, March, May, September and November.
	Stafford	Second Monday in January, March, May, September and November.
	Spotsylvania	First Monday in February, April, June, October and December.
	Caroline	Second Monday in February, April, June, October and December.
	Hanover	Third Monday in January, March, May, September and November.
	Fredericksburg	Third Monday in February, April, June, October and December.
Sixteenth	Prince William	First Monday in February, April, June, August, October and December.
	Fairfax (Falls Church)	Third Monday in January, March, May, July, September and November.
	Alexandria	First Monday in January, March, May, July and November and second Monday in September.
Seventeenth	Frederick (Winchester)	Third Monday in January, March, May, July, September and November.
	Clarke	Second Monday in January, March, May, July, September and November.
	Warren	First Monday in January, March, May, July, September and November.
	Shenandoah	First Monday in February, April, June, August, October and December.

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CIRCUIT COURTS OF VIRGINIA—CONTINUED

CIRCUIT	COUNTY OR CITY	TERM
Eighteenth	Augusta	Fourth Monday in February and May, first Monday in October, and fourth Monday in November.
	Highland	Fourth Tuesday in April, second Tuesday in July and October.
	Rockbridge (Lexington)	First Monday in February, May, September and November.
	Buena Vista	First Monday in April, fourth Monday in July, September and January.
Nineteenth	Bath	First Monday in April and November; third Monday in June and September.
	Alleghany (Covington)	Second Monday in January, April, July and October.
	Craig	Second Monday in February, May, September and November.
	Botetourt	First Monday in March, June, October and December.
	Clifton Forge	First Monday in February, May and July, and the third Monday in November.
Twentieth	Roanoke County	First Friday in January, February, April, June, September and November.
	Roanoke City	First Friday in March, May, July, October and December.
Twenty-first	Pulaski (Pulaski)	Third Monday in February, first Monday in May, Wednesday following the first Monday in September and second Monday in November.
	Carroll (Galax)	Second Monday in March, third Monday in May and September and first Monday in December.
	Wythe (Wytheville)	Third Monday in January, April, July and October.
	Grayson (Galax)	Fourth Monday in March and November, first Monday in June and October.
Twenty-second	Bland	First Tuesday in March, fourth Tuesday in June and October.
	Tazewell	Second Tuesday in February and May, third Tuesday in August and second Tuesday in November. The judge may designate one of the terms of court of Tazewell county, at which only criminal cases shall be tried.
	Giles	Second Tuesday in January, April and July and first Tuesday in October.
Twenty-third	Bristol	Second Monday in January and third Monday in July.
	Washington	Fourth Monday in January, March, May, September and November.
	Smyth (Marion)	Fourth Monday in February, April, August and October.

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CIRCUIT COURTS OF VIRGINIA—CONTINUED

CIRCUIT	COUNTY OR CITY	TERM
Twenty-fourth	Lee	First Monday in March, June, September and December.
	Scott	Second Monday in January, April, July and October.
Twenty-fifth	Rockingham (Harrisonburg)	Third Monday in February, April, June, August, October and December.
	Page	Fourth Monday in January, March, May, July, September and November.
Twenty-sixth	Rappahannock	Second Monday in January, March, May, July and November.
	Fauquier	Fourth Monday in January, March, May, September and November.
	Loudoun	Second Monday in February, April, June, August, October and December.
Twenty-seventh	Buchanan	Second Monday in January, April, July and October.
	Dickenson	Second Monday in March and June, and first Monday in October and December.
	Russell	Second Monday in February, May, September and November.
Twenty-eighth	Isle of Wight	First Monday in January, March, May, July, September and November.
	Princess Anne (Virginia Beach)	First Monday in February, April, June, August, October and December.
Twenty-ninth	Amherst	Second Monday in February, April, June, October and December.
	Nelson	Fourth Monday in January, March, May, September and November.
	Waynesboro	Second Monday in January, March, May, September and November.
Thirtieth	Franklin	First Monday in February, April, June, October and December.
	Pittsylvania	First Monday in January, March, May, July, September and November.
Thirty-first	Accomack	First Monday in February, April, June, August, October and December.
	Northampton	Second Monday in January, March, May, July, September and November.
Thirty-second	Norfolk City	Second Monday in January, February, March, April, May, June, July, October, November and December.

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CIRCUIT COURTS OF VIRGINIA—CONTINUED

CIRCUIT	COUNTY OR CITY	TERM
Thirty-third	Wise (Norton)	Third Monday in January, April, July and October.
Thirty-fourth	Halifax (South Boston)	Third Monday in January, March, May, July, September and November.
	Mecklenburg	Third Monday in February, April, June, August, October and second Monday in December.
	Lunenburg	First Monday in February, April, June, August, October and December.
Thirty-fifth	Arlington	Third Monday in February, April, June, October and December.
Thirty-sixth	Floyd	First day of March, June and November and Wednesday following the first Monday in September.
	Montgomery	First day of February, April, July, October and December.
	Radford	Second Monday in January and March, and third Monday in May, September and November.
Thirty-seventh	Chesterfield (Colonial Heights)	Third Monday in January, March, May, July, September and November.
Thirty-eighth	Portsmouth	Fourth Monday in January, February, March, April, May, June, July, August, September, October, November and December.

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CORPORATION AND CITY COURTS OF VIRGINIA

Times for the Commencement of the Regular Terms

City	Monthly Term
Alexandria	Second Monday.
Bristol	First Monday except Tuesday after first Monday in September. July or August, either may be designated as vacation month.
Charlottesville	Third Monday.
Danville	First Monday except August and Tuesday after first Monday in September.
Lynchburg	First Monday in each month except Tuesday after first Monday in September. Trial of civil cases in which juries are required at all terms except in July and December. No term in August.
Newport News:	
Corporation Court	Second Monday in each month (Judge may change) except August.
Court of Law and Chancery	Third Monday in January, March, May, July, September, and November.
Norfolk city:	
Corporation Court	First Monday } Judge may omit terms to be held in July, August or September.
Corporation Court, Part Two	First Monday }
Court of Law & Chancery.	First day of October and third Monday in each other month, except judge may omit August and September or either of them.
Petersburg:	
Hustings Court	Third Thursday in each month except August.
Portsmouth:	
Court of Hustings	Third Thursday, except February, August and September.
Richmond city:	
Hustings Court	First Monday, except August and September.
Hustings Court, Part Two	Second Monday, except August and September.
Chancery Court	First Monday in January, April, June and October.
Law and Equity Court	Second Monday in February, May and December and third Monday in September.
Roanoke city:	
Hustings Court	First Monday in each month, except August.
Court of Law and Chancery	First Monday in each month, except August.
South Norfolk	First Monday in each month, except August.
Staunton	Thursday after first Monday, except August.
Winchester	Fourth Monday, except August.

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PLACES AT WHICH SEPARATE POLLS HAVE BEEN ESTABLISHED IN EACH COUNTY

ACCOMACK—Chincoteague, Greenbackville, New Church, Temperanceville, Hallwood, Sanford, Saxis, Mappsville, Rew, Bloxom, Parksley, Accomack Courthouse, Onancock, Tangier, Pungoteague, Wachapreague, Painter, Belle Haven, Craddockville, Locustville, Cashville, Horntown, Onley, Quinby, Keller, Harborton.

ALBEMARLE—Alberene, Batesville, Blackweils, Courthouse, Carter's Bridge, Covesville, Crozet, Earlysville, Free Union, Howardsville, Hillsboro, Ivy, Keswick, Lindsay, Monticello, Milton, North Garden, Owensville, Proffit, Porter's, Stoney Point, Scottsville, Wingfields, White Hall.

ALLEGHANY—Alleghany, Arritt's, Clift, Callaghan, Damron, Griffith, Iron Gate, Longdale, Rich Patch, Selma, Jackson River, Courthouse, Intervale, Dolly Ann.

AMELIA—Amelia Courthouse, Wilkinson Shop, Chula, Deatonville, Painville, Jetersville, Mannboro, Namozine, Bridgeforth's Mill.

AMHERST—Courthouse, Riverville, Hicks, Mayflower, Temperance, Fancy Hill, New Glasgow, Pedlar Mills, Naola, Snowden, Chestnut, Allwood, Elon, Magruder, Madison Heights, Wright's Shop, Monroe, Pleasant View, Long Mountain, Alto.

APPOMATTOX—Courthouse, Chap, Cheatwood, Clover Hill, Walker's Church, Pamplin, Stonewall, Oakville, Agee, Rocks.

ARLINGTON—Abingdon, Arlington, Arlington Forest, Aurora Hills, Buckingham, Cherrydale, Claremont, Columbia, East Falls Church, Fairlington, Fillmore, Glebe, Glencarlin, Lexington, Madison, Marshall, Nottingham, Oak Ridge, Rock Spring, Woodlawn, Yorktown, Ashton Heights, Ballston, Barcroft, Clarendon, Courtland, Lee, Lyon Park, Lyon Village, Over Lee Knolls, Park Lane, Rosslyn, Thrifton, Virginia Highlands, Westover, Jefferson, Dominion Hills.

AUGUSTA—Sandy Hollow, Burnett, Jolivue, Arbor Hill, Mt. Solon, Sangersville, Parnassus, Spring Hill, Centerville, Roman, New Hope, Mt. Sidney, Mt. Meridian, Verona, Crimora, Weyers Cave, South River, Fishersville, Stuarts Draft, Sherando, Middlebrook, Newport, Greenville, Spottswood, Christians, Deerfield, Craigsville, Churchville, Augusta Springs.

BATH—Warm Springs, Mountain Grove, Cleeks Mill, Healing Springs, Hot Springs, Fairview, Millboro Springs, Sitlington, Burnsville, Fort Lewis, Cloverdale.

BEDFORD—North Liberty, South Liberty, Bunker Hill, Blount, Peaksville, Thaxton, Patterson's Mill, Hall's Mill, Montvale, Hogan's Store, Chamblissburg, Stewartsville, Goodview, Emaus, Cedar Hill, Board's Store, Fancy Grove, Valley Mills, White Rock, Lone Gum, Franklin's Store, Otter Hill, Pollard's Store, Everett's Store, Goodes, Forest Depot, Perrowville, Bon Ton, Boonsboro, Cove, Big Island, Charlemont, Curtis, Hardy.

BLAND—Bogle's, Bishop's, Rocky Gap, Davis, Mechanicsburg, Point Pleasant, Sharon, Seddon, Bastian, Ceres, Hollybrook, Hicksville.

BOTETOURT—Courthouse, Oriskany, Eagle Rock Gala, Lick Run, Glen Wilton, Town Hall, Asbury, Vandergrift's, Amsterdam, Cloverdale, Troutville, Brugh's Mill, Coyner's Springs, Buchanan, Lithia, Arch Mills, Jackson, Jenning's Creek, Roaring Run, Rocky Branch, Glade Creek.

BRUNSWICK—Lawrenceville, Smoky Ordinary, Sturgeonville, Elmore's, Alberta, Brodnax, Tillmans, Rock Store, Dromgoole's, Phipps, Butlers, Danieltown.

BUCHANAN—North Grundy, South Grundy, Park, Prater, Contrary, Hurricane, Rock Lick, Bull, Grassy, Vansant, Whitwood, Slate, Blankenship, Hurley, Paw Paw, Council, Garden, Fox, Blackey, Patterson.

BUCKINGHAM—Maysville, Wrights, Glenmore, New Store, Curdsville, White Hall, Red Mills, New Canton, Gold Hill, Damrons, Well Water.

CAMPBELL—Courthouse, Concord, Mt. Zion, Brookneal, Hat Creek, Kew, Mike, Marysville, Castle Craig, Lynch's, Leesville, New London, Evington, Flynn's, Kings, West Lynchburg, Altavista (two precincts), Naruna, Long Island, Gladys, Airport District.

CAROLINE—Bowling Green, Shumansville, Sparta, Port Royal, Moss Neck, Guinea, Madison, Ladysmith, Reedy Church, Bowers.

CARROLL—Smith's Mill, Strickland's Mill, Wisler, Hawks, Hillsville, Laurel Fork (Courthouse), Freemont, Nester, Turner, Willis Gap, Snake Creek, Hillsville Pine Creek (Courthouse), Little Vine, Sylvatus, Lindsey, Quesinberry, Pike, Hillsville Pipers Gap (Courthouse), Beamer, Castle Hill, Hanks, Woodlawn (Pipers Gap), Galax, Russell, Hillsville Sulphur Springs (Courthouse), McGee, Mt. Zion, Woodlawn (Sulphur Springs), Hebron, Blair, Gray, Springs.

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CHARLES CITY—Barnetts, Courthouse, Holdcroft.

CHARLOTTE—Scott's Store, Aspenwall, Priddy's, Keysville, Courthouse, Central, Wylliesburg, Red Oak, Smith's Tavern, Midway, Harvey's Store, Phenix.

CHESTERFIELD—Bon Air, Precinct No. 1, Bon Air, Precinct No. 2, Midlothian, Horner's Store, Winterpock, Skinquarter, Winfree's Store, Matoaca, Ettrick, Chester, Eyler's Store, Courthouse, Bellwood, Beach, Elkhardt, German School, Drewry's Bluff, Beulah, Broad Rock, Falling Creek, Colonial Heights, Southampton, Wagstaff Circle.

CLARKE—White Post, Millwood, Morgan's Mill, Shenandoah, Berryville, Mt. Airy, Russell's, Pierce's, Lindsey's.

CRAIG—Courthouse, Paint Bank, McGuire's Store, Marshall's Store, Ammendale, Healing Springs, Givens & Reynold's Store, Forks of John's Creek.

CULPEPER—Catalpa, Jeffersonton, Rixeyville, Mitchells, Brown's Store, Eldorado, Brandy Station, Stevensburg, Lignum, Richardsville.

CUMBERLAND—Brown's Church, Courthouse, Thomas' Mill, Flanagan's Mill.

DICKENSON—Ridge, Lick Fork, Artrip, Bart Lick, Colley, Roaring Fork, Stratton, Rose, Moss, Mountain, West Dante, Caney, Frying Pan, Duty, Counts, Twin Branch, Haysi, Kerr, Turner, Tarpon, Grassy, Brakes, Chase Northward, Chase Southward.

DINWIDDIE—Cherry Hill, Church Road, Dinwiddie Courthouse, Darvills, Malones, Monk's Neck, New Hope, Ritchieville, Reames, Rocky Run, Sutherland, White Oak, Guns Hill, McKenney.

ESSEX—Loretto, Lloyds, Enterprise, Tappahannock, Howerton, Center Cross, Dunnsville.

FAIRFAX—Centreville, Clifton, Chantilly, Colvin Run, Fairfax Station, Herndon, Thompson's, Ball's Hill, Chesterbrook, Forestville, Haycock, Kirby, Langley, Lemon Road, McLean, Mt. Daniel, Pimmit Hills, Annandale, Burke, Fort Buffalo, Graham, Greenway, Jefferson, Masonville, Oakridge, Pine Springs, Sleepy Hollow, Walnut Hill, Westlawn, Woodburn, Accotink, Bush Hill, Cameron, Franconia, Groveton, Lorton, Mount Eagle, Virginia Hills, Woodyard, Bailey's, Belvedere, Braddock, Crestwood, Lincolnia, Munson Hill, Ravenwood, Springfield, Weyanoke, Willston, Bellehaven, Belleview, Bucknell, Calvert, Fort Hunt, Gunston, Hollin Hall, Huntington, New Alexandria, Paul Springs, Wellington, Woodley, Dunn Loring, East Fairfax, Fairfax, Fairfax Heights, Flint Hill, Freedom Hill, Hunter, Layton Hall, Oakton, Shreve, Vienna #1, Vienna #2, Vienna #3, Walker.

FAUQUIER—Marshall, Markham, Hume, Orlean, The Plains, Rectortown, Upperville, Paris, Warrenton, New Baltimore, Midland, Bealton, Remington, Summerduck, Morrisville, Calverton, Catlett, Bristersburg, Auburn.

FLOYD—Copper Hill, Weavers, Locust Grove, Harman's, Turtle Rock, Courthouse, Alum Ridge, Indian Valley, Barringer, Willis, Crab Orchard, Rifton.

FLUVANNA—Palmyra, Center Hill, Wilmington, Kent's Store, Columbia, Fork Union, Cunningham, Kidd's Store, Tutwiler, Goodson, Jones School House.

FRANKLIN—Town Rocky Mount, Rocky Mount District, Sydnorsville, Snow Creek, Glade Hill, Union Hall, Penhook, Dickerson, Patti, Red Hollow, Laughorns, Brooks Mill, Bonbrook, Sandy Level, Boones Mill, Helms, Callaway, Bowmans, Ferrum, Henry, Providence, Endicott, Shivelys Store.

FREDERICK—Neffstown, Brucetown, White Hall, Gainesboro, Baker's Mill, Dolan's, Albin, Canterburg, Yeakley's, Lamp's, Russell's, Dry Run, Middletown, Old Forge, Kernstown, Carper's Valley, Greenwood, Gore, Arnel, Stephens City, Ashton.

GILES—Pearisburg, Narrows, Burton's Mill, Glen Lyn, Eggleston, Poplar Hill, White Gate, Sugar Run, Staffordsville, Pembroke, Hatfield, New River, Newport, Sulphur Springs, Rich Creek.

GLOUCESTER—Dragon-Ordinary, Woods Cross Roads, Cash, Sassafras, Harcum, Courthouse, Tabbs Store, Belroi, Hickory Fork, Sterling, Stonewall, Hayes Store, Achilles.

GOOCHLAND—Bowles Store, Ford's Store, Dietricks Store, Goochland Court House, Rocketts, Three Square, Watkinsville, Caledonia, Snead's Store, Hadensville, Tabscott.

GRAYSON—East Independence, West Independence, Elk Creek, Comer's Rock, Oldtown, Barton's X-Roads, Fairview, Fries, Bridle Creek, Mouth of Wilson, Pugh Place, White Top, Troutdale, Potato, Shaw, Rugby, White Top Gap, North Branch, Cherry Grove, Grassy Creek, Spring Valley, Flat Ridge, Baywood, Stevens Creek, Hillcrest, Pine Grove.

GREENE—Stanardsville, McMullan, Ruckersville, Monroe, Amicus.

GREENSVILLE—Belfield, Hicksford, Brink, Moss, Taylor's Mill, Purdy, Jarratt.

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HALIFAX—Courthouse, South Boston No. 1 and South Boston No. 2, Clay's Mill, Scottsburg, Mt. Laurel, Cross Roads, Clover, Dryburg, Mt. Carmel, Brandon, Black Walnut, Hyco, Mayo, Vernon Hill, News Ferry, Brooklyn, Birch, Pace's, Virgilina, Omega, Midway, Republican Grove, Barksdale, Bryan, Martin's Store, Rosa, Locust Level.

HANOVER—Beaver Dam, Montpelier, Blunts, Rockville, Ashland, Clay, Smiths, Rural Point, Mechanicsville, Cold Harbor, Old Church.

HENRICO—Rollingwood, Westwood, Tuckahoe, Ridge, Short Pump, Forest Heights, Berkley, Crestview, Monument Hills, Brook Hill, Hungary, Hunton, Lakeside, Longdale, Greendale, Highland Gardens, Bryan Park, Summit Court, Bloomingdale, Hilliard, Hermitage, Seven Pines, Glen Echo, Glen Lea, Montrose, Highland Springs, Eanes, Sullivans, Town Hall, Whitlock, Ratcliffe.

HENRY—Bassett No. 2, Fieldale No. 1, Gunville, Horsepasture, Moore's Mill, Scott's Tanyard, Spencer, Aiken Summitt, Irisburg, Axton, Leatherwood, Mt. Valley, Collinsville, Fieldale No. 2, Martinsville, Bassett No. 1, Figsboro, Ironside, Oak Level, Stanleytown, Ridgeway.

HIGHLAND—Monterey, Wilson's Mill, Pullin's Schoolhouse, Big Valley, Doe Hill, McDowell, Headwaters, St. Creek, Patna, Mill Gap, Hightown, Blue Grass.

ISLE OF WIGHT—Battery Park, Burwell's Bay, Courthouse, Zuni, Carrollton, Longview, Orbit, Smithfield, Carrsville, Camp's Mill, Mt. Carmel, Windsor, Rescue, Pons.

JAMES CITY—Jamestown No. 1, Jamestown No. 2, Stone House, Powhatan No. 1, Powhatan No. 2.

KING AND QUEEN—Newtown, Clarks, Stevensville, Carlton's Store, Little Plymouth, Buena Vista.

KING GEORGE—Shiloh, Passapatanzy, Courthouse, Owens.

KING WILLIAM—Mangohick, Beulahville, Manquin, Court House, Lanesville, Martin's Store, Port Richmond, West Point.

LANCASTER—Kilmarnock, Irvington, Weems, White Stone, Ottoman, Litwalton, Lancaster, Foxwells.

LEE—Dixie, Bales' Mill, Rose Hill, Bales' Forge, Morgan's Store, Bishop's Store, South Jonesville, North Jonesville, Hunter's Gap, Blackwater, West Pennington, East Pennington, Hurst's Store, Stickleyville, Maness, St. Charles, Dryden, Seminary, Robbins Chapel, Keokee, Wild Cat.

LOUDOUN—Leesburg, Lovettsville, Taylortown, Water's, Bolington, Hamilton, Snickersville, Mt. Gilead, Lincoln, Philomont, Waterford, Hillsboro, Purcellville, Irene, Round Hill, Unison, Middeburg, Aldie, Mountville, Gum Spring, Farmwell, Guilford, Waxpool, Lenah, Lucketts.

LOUISA—Zion, Trevilian, Bell's Cross Roads, Courthouse, Terrell's Store, Thompson Cross Roads, Cuckoo, Frederick Hall, Centerville, Shelton's Mill, Jackson, Bumpass, Mechanicsville, Mineral, Yanceyville, Brian.

LUNENBURG—Lewiston, Knight and Oliver, Pleasant Grove, Meherrin, Rehoboth, Plantersville, Brown's Store, Lochleven, Columbian Grove, Victoria, Crymes' Store, Dodson's Store.

MADISON—Madison, Graves Mill, Wolftown, Rochelle, Radiant, Oak Park, Etlan, Brightwood, Criglersville.

MATHEWS—Battery, Courthouse, White's Neck, Gwynn's Island, Hookemfair, Cobbs Creek, Port Haywood.

MECKLENBURG—Boydton, Baskerville, Finchley, Clarksville, Averetts, Buffalo, Lithia Springs, Pearson's Store, Wright's Store, La Crosse, South Hill, Union Level, Chase City, No. 1 and 2, Smith's Cross-Roads, Bracey, North View, Gillipsie's Store, Kensington.

MIDDLESEX—Jamaica, Saluda, Free Shade, New Market, Urbanna.

MONTGOMERY—East Christiansburg, West Christiansburg, Shawsville, Alleghany Springs, Kirby's Mill, Harman, Grayson Mill, East Blacksburg, West Blacksburg, Prices Fork, Long Shop, Crumpacker, Walthall, Cambria, Craigs Creek, Ellett, Pilot, Vicker, Big Spring, Auburn.

NANSEMOND—Holy Neck, Kilby's Mill, Cypress Chapel, Paul's Branch, Somerton, Whaleyville, Chuckatuck, Crittenden, Myrtle, Holland, Lummis, Driver, Nurneyville, Eastover, Pleasant Hill, Elephants Fork.

NELSON—Lovingston, Arrington, Tye River, Norwood, Gladstone, Woods Mill, Schuyler, Greenfield, Wintergreen, Avon, Montebello, Lowesville, Massies Mill.

NEW KENT—Quinton, Talleysville, Courthouse, Barhamsville, Walkers, Providence Forge.

NORFOLK—West Norfolk, Churchland No. 1 and No. 2, Hodges Ferry, Joliff, Olive Branch, Gilmerton, Deep Creek, Sunray, Geneva Park, Cradock No. 1, Cradock No. 2, Highland Park Nos. 1, 2 and 3, Oaklette, Oak Grove, Hickory Grove, Indian Creek, Bells Mill, Bethel.

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NORTHAMPTON—Capeville, Cape Charles, Bay View, Eastville, Birds Nest, Franktown, Wardtown, Exmore.

NORTHUMBERLAND—Lottsburg, Heathsville, Burgess' Store, Reedville, Wicomico Church, Harvey's Wharf, Callao, Lewisetta, Lillian.

NOTTOWAY—Blackstone, Burkeville, Crewe, Jeffress Store, Nottoway, Bellefonte Grange.

ORANGE—Barboursville, Gordonsville, Orange, Madison, Unionville, Lahore, Locust Grove, True Blue.

PAGE—Honeyville, Jolletts, Newport, Shenandoah, Leakesville, Marksville, Luray, East Luray, Rileyville, Springfield, Pumpkin Hill, Massanutten, Stoney Man, Rattleburg.

PATRICK—Stuart, Patrick Springs, Liberty, Stella, Palmetto, Nettle Ridge, Turner's Store, King's Store, Hill's Schoolhouse, Gates' Store, Bell's Spur, Aker's Store, Dehart's Mill, Adams Store, Charity, Elamsville, Buffalo Ridge, Critz.

PITTSYLVANIA—Cedar Hill, Grasty Store, Murphy Store, Peytonsburg, Riceville, Shockoe, Banister, Callands, Grady, Hollywood, Museville, Sandy River, Swansonville, Bryants, Chatham, Dry Fork, Gretna, Spring Garden, Weal, Whittles, Blairs, Glenwood, Keeling, Kentuck, Laurel Grove, Ringgold, Slatesville, Ajax, Brights, Farmers, Menla, Pullens, Toshes, Whites, Brutus, Chalk Level, Hill Grove, Hurt, Level Run, Motley, Renan, Straightstone, Sycamore, Bachelor's Hall, Brosville, Cascade, Ferry Road, Holland Road, McDowell Mill, Mount Cross, Mt. Herman, Westover Hills, Whitmell.

POWHATAN—Ballsville, Smith Cross Roads, Powhatan C. H., Pineville, Powhatan Station, Subletts.

PRINCE EDWARD—Farmville, Farmville District, Prospect, Worsham, Green Bay, Rice, Darlington Heights.

PRINCE GEORGE—Templeton, Rives, Blackwater, Brandon, Courthouse.

PRINCE WILLIAM—Aden, Brentsville, Catharpin, Coles, Dumfries, Greenwich, Haymarket, Hoadly, Manassas, Nokesville, Occoquan, Potomac, Waterfall, Wellington, Yorkshire, Town of Manassas Park.

PRINCESS ANNE—Courthouse, Kempsville, Mears Corner, Bayside No. 1, Bayside No. 2, Cape Henry, London Bridge, Oceana, Brock's Bridge, Sigma, Capps Shop, Creeds, Blackwater, Washwoods, Linkhorn Park, Great Neck, Seatack, Thalia, Davis Corner.

PULASKI—Allisonia, Max Creek, Snowville, Dublin, New River, East Pulaski, West Pulaski, Ingles, Newbern, Draper, Belspring, Hunters.

RAPPAHANNOCK—Flint Hill, Amissville, Washington, Sperryville, Woodville, Hawlin.

RICHMOND—Farnham, Warsaw, Newland, Emmerton, Sharps, Haynesville.

ROANOKE—Cave Spring, Poages Mill, Bent Mountain, Red Hill, Ogden, Bonsack, Riverdale, Burlington, Hollins Road, Medley, East Vinton, West Vinton, Glenvar, Peters Creek, Botetourt Springs, South Salem Number 1, South Salem Number 2, West Salem, North Salem. Catawba, Mason Valley, Mt. Pleasant, Oak Grove.

ROCKBRIDGE—Lexington, Hartsook's Shop, Glasgow, Glenwood, Oak Bank, Natural Bridge, Broad Creek, Hamilton Court House, Collierstown, Montgomery, Big Spring, Smith Mill, Rockbridge Baths, Brownsburg, Flumen, Goshen, Kennedys Mill, Timberidge, Riverside, Fairfield, Raphine, Campbell's Mill.

ROCKINGHAM—Swift Run, Elkton, Furnace, McGaheysville, Port Republic, Meyerhoeffer's Store, Cross Keys, Pleasant Valley, Mt. Crawford, Bridgewater, Dayton, Ottobine, Keezletown, Courthouse, Mount Clinton, Mountain Valley, Melrose, Edom, Singer's Glen, Oak Grove, Tenth Legion, Timberville, Broadway, Cootes Store, Wittigs, Grottoes, Athlone, Holman's, Mayland.

RUSSELL—Dante, Drill, Clinchfield, Lebanon, Cleveland, Honaker, Sword's Creek, Cook's Mill, Johnson, Baylor, Hawkin's Mill, Fugate, Wampler, Dorton, Carterton, Grigsby, Banner.

SCOTT—Addington, Clinchport, Duffield, Frances, Hoges Store, Hiltons, Jennings, Nickelsville, Peters, Pattonsville, Rye Cove, Valley Creek, Stony Point, Smith's, Winninger, Big Cut, Stoney Creek, Slant, Cove Creek, Gate City East Ward, Gate City West Ward, Osborne's Ford, Fraley, Roller, Powers, Moccasin Gap.

SHENANDOAH—New Market, Quicksburg, Forestville, John D. Miller's, Mount Jackson, Cabin Hill, Hudson's Cross Roads, Cleveland, Jerome, Hamburg, Edinburg, Lantz's Mills, Columbia Furnace, Liberty Furnace, Pine Hill, Tom's Brook, Town Hall, St. Luke, Central Schoolhouse, Borden, Saumsville, Mount Olive, Lebanon Church, Oranda, Strasburg, Getz, Mount Clifton, Courthouse, Dry Run, Fishers Hill.

SMYTH—North East Marion, North West Marion, South East Marion, South West Marion, Atkins, Groseclose, Chilhowie, Seven Mile Ford, Olympia, Chatham Hill, Saltville, Ellendale, Broadford, Blue Springs, Williams, Holston Mills, Douglas, St. Clair Bottom.

SOUTHAMPTON—Drewryville, Boykins, Newsoms, Sunbeam, Courtland, Franklin No. 1 and No. 2, Berlin, Ivor, Capron, Joyner, Sedley, Sebrell, Branchville.

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SPOTSYLVANIA—Partlow, Thornburg, Traveler's Rest, Courthouse, Brent's Mill, Summit, Todd's Tavern, Belmont, Brokenburg, Faulkner, Grange Hall.

STAFFORD—Stafford Courthouse, Griffis, Roseville, Simpson, Hartwood, Falmouth, White Oak, Brooke, Chatham Heights.

SURRY—Wall's Bridge, Surry Courthouse, Bacon's Castle, Claremont, Carsley, Spring Grove, Dendron.

SUSSEX—Courthouse, Yale, Henry, Stony Creek, Little Mills, Newville, Littleton, Waverly, Wakefield.

TAZEWELL—Bluestone, Burke's Garden, Cove Creek, Graham, Falls Mills, Pocahontas, Gratton, Tip Top, Benbow, Crockett's Cove, Gap Store, Freestone, North Tazewell, Thompson Valley, Lockhart's Chapel, Liberty Hill, Midway, Pounding Mill, Baptist Valley, Richlands, Dry Fork, Cedar Bluff, Raven, Poor Valley, Boissevain, Jeffersonville, Abbs Valley.

WARREN—Front Royal, North, Front Royal, South, Front Royal, Northeast, Riverton, Otterburn, Waterlick, Browntown, Bentonville, Cedarville, Reliance, Bowman's, Kellers, Milldale, Rockland, Linden.

WASHINGTON—North Abingdon, South Abingdon, Bethel, Greenwood, Friendship, Damascus, Oak Hill, Green Cove, Meadow View, Glade Spring, Mahanaim, Fullens, Hayter's Gap, White's Mill, Greendale, Worley's, Brumley Gap, Peters, Philips, Ketrons, Mendota, Maxwell, Wyndale, Watermans, Three Springs, Oak Grove, Shakesville, Konnarock, Hayton's Mill, Parks, Emory, Murryfield, Taylor's Valley, Summers.

WESTMORELAND—Oldhams, Kinsale, Hague, Montross, Warrensville, Oak Grove, Baynesville, Colonial Beach.

WISE—Bonds Mill, Hamilton, Tasso, North Pound, South Pound, Round Top, Tacoma, South Wise, North Wise, Dorchester, Blackwood, Roaring Fork, West Coeburn, South Coeburn, East Coeburn, North Coeburn, Clay House, St. Paul, East Stone Gap, East Big Stone Gap, West Big Stone Gap, West Appalachia, North Appalachia, South Appalachia, Imboden, Stonega.

WYTHE—East Wytheville, West Wytheville, Crockett, Royal Oak, Rural Retreat, Zion, Henly, Austinville, Foster Falls, Patterson, Graham's Forge, Max Meadows, Repass Mill, Glade, Ivanhoe.

YORK—Courthouse, Seafood, Magruder, Tabernacle, Trinity, Grafton, Bethel.

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NAMES OF MAGISTERIAL DISTRICTS IN COUNTIES

ACCOMACK—Pungoteague, Lee, Metompkin, Atlantic, The Islands.
ALBEMARLE—Scottsville, Samuel Miller, White Hall, Ivy, Charlottesville, Rivanna.
ALLEGHANY—Boiling Spring, Covington, Clifton, Falling Spring, Jackson River.
AMELIA—Leigh, Giles, Jackson.
AMHERST—Courthouse, Temperance, Pedlar, Elon.
APPOMATTOX—Southside Clover Hill, Stonewall.
ARLINGTON—(None)
AUGUSTA—South River, North River, Beverley Manor, Riverheads, Middle River, Pastures.
BATH—Warm Springs, Cedar Creek, Williamsville, Millboro.
BEDFORD—Liberty, Lisbon, Chamblissburg, Staunton, Otter, Bellevue, Forest, Charlemont.
BLAND—Sharon, Seddon, Mechanicsburg, Rocky Gap.
BOTETOURT—Amsterdam, Fincastle, Buchanan.
BRUNSWICK—Totaro, Sturgeon, Red Oak, Meherrin, Powellton.
BUCHANAN—Grundy, Garden, Rock Lick, Knox, Hurricane.
BUCKINGHAM—Maysville, Curdsville, State River, Marshall, Francisco, James River.
CAMPBELL—Rustburg, Seneca, Falling River, Otter River, Brookville.
CAROLINE—Madison, Reedy Church, Bowling Green, Port Royal.
CARROLL—Fancy Gap, Laurel Fork, Pine Creek, Pipers Gap, Sulphur Springs.
CHARLES CITY—Harrison, Tyler, Chickahominy.
CHARLOTTE—Madison, Walton, Bacon, Roanoke, Midway, Central.
CHESTERFIELD—Dale, Clover Hill, Midlothian, Matoaca, Manchester, Bermuda.
CLARKE—Greenway, Chapel, Battletown, Long Marsh.
CRAIG—New Castle, Alleghany, Simmonsville.
CULPEPER—Stevensburg, Cedar Mountain, Catalpa, Salem, Jefferson.
CUMBERLAND—Randolph, Madison, Hamilton.
DICKENSON—Clintwood, Willis, Ervinton, Kenady, Sandlick.
DINWIDDIE—Rowanty, Namozine, Darvills, Sapony.
ESSEX—Occupacia, Central, Rappahannock.
FAIRFAX—Centreville, Dranesville, Falls Church, Lee, Mason, Mount Vernon, Providence.
FAUQUIER—Marshall, Scott, Centre, Lee, Cedar Run.
FLOYD—Courthouse, Burk's Fork, Indian Valley, Alum Ridge, Little River, Locust Grove.
FLUVANNA—Palmyra, Columbia, Fork Union, Cunningham.
FRANKLIN—Rocky Mount, Snow Creek, Union Hall, Gills Creek, Boone, Blackwater, Blue Ridge.
FREDERICK—Shawnee, Opequon, Back Creek, Gainsboro, Stonewall.
GILES—Pearisburg, Pembroke, Walker's Creek, Newport, Narrows.
GLOUCESTER—Petsworth, Ware, Abingdon.
GOOCHLAND—Dover, Licking Hole, Byrd.
GRAYSON—Elk Creek, Wilson, Old Town, Providence.
GREENE—Stanardsville, Ruckersville, Monroe.
GREENSVILLE—Belfield, Hicksford, Zion.
HALIFAX—Banister, Meadville, Mt. Carmel, Birch Creek, Roanoke, Staunton, Red Bank, Black Walnut.
HANOVER—Beaver Dam, Ashland, Henry.
HENRICO—Tuckahoe, Brookland, Fairfield, Varina.
HENRY—Horsepasture, Irisburg, Leatherwood, Martinsville, Reed Creek, Ridgeway.
HIGHLAND—Stonewall, Monterey, Blue Grass.
ISLE OF WIGHT—Windsor, Newport, Hardy.
JAMES CITY—Jamestown, Stonehouse, Powhatan.
KING AND QUEEN—Newtown, Stevensville, Buena Vista.
KING GEORGE—Rappahannock, Potomac, Shiloh.
KING WILLIAM—Mangohick, Acquinton, West Point.

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LANCASTER—White Stone, Mantua, White Chapel.
LEE—Rose Hill, White Shoals, Jonesville, Rocky Station, Yokum Station.
LOUDOUN—Broad Run, Jefferson, Mount Gilead, Mercer, Lovettsville, Leesburg.
LOUISA—Green Springs, Louisa Courthouse, Cuckoo, Jackson, Mineral.
LUNENBURG—Loch Leven, Columbian Grove, Brown's Store, Lewiston, Rehoboth, Pleasant Grove, Plymouth.
MADISON—Locust Dale, Rapidan, Robertson.
MATHEWS—Chesapeake, Westville, Piankitank.
MECKLENBURG—Boydton, Bluestone, Chase City, Buckhorn, South Hill, Palmer Springs, Clarksville, La Crosse.
MIDDLESEX—Jamaica, Saluda, Pinetop.
MONTGOMERY—Alleghany, Auburn, Blacksburg, Christiansburg.
NANSEMOND—Holy Neck, Chuckatuck, Whaleyville, Cypress, Sleepy Hole.
NELSON—Lovingston, Massie's Mill, Rockfish, Schuyler.
NEW KENT—Black Creek, St. Peter's, Cumberland, Weir Creek.
NORFOLK COUNTY—Western Branch, Deep Creek, Washington, Butt's Road, Pleasant Grove.
NORTHAMPTON—Franktown, Eastville, Capeville.
NORTHUMBERLAND—Lottsburg, Heathsville, Fairfields, Wicomico.
NOTTOWAY—Bellfonte, Blendon, Winningham, Haytokah.
ORANGE—Barbour, Madison, Taylor, Gordon.
PAGE—Shenandoah Iron Works, Marksville, Luray, Springfield.
PATRICK—Blue Ridge, Dan River, Mayo River, Peters Creek, Smith River.
PITTSYLVANIA—Chatham, Pigg River, Staunton River, Banister River, Tunstall, Dan River, Callands.
POWHATAN—Macon, Spencer, Huguenot.
PRINCE EDWARD—Hampden, Lockett, Farmville, Leigh, Buffalo, Prospect.
PRINCE GEORGE—Templeton, Rives, Bland, Blackwater, Brandon.
PRINCE WILLIAM—Dumfries, Occoquan, Coles, Brentville, Manassas, Gainesville.
PRINCESS ANNE—Seaboard, Kempsville, Lynnhaven. Pungo, Blackwater, Bayside.
PULASKI—Pulaski, Newbern, Dublin, Hiawassee.
RAPPAHANNOCK—Wakefield, Jackson, Hampton, Piedmont, Hawthorne, Stonewall.
RICHMOND COUNTY—Stonewall, Marshall, Washington, Farnham.
ROANOKE COUNTY—Big Lick, Catawba, Cave Spring, Salem.
ROCKBRIDGE—Lexington, Natural Bridge, Buffalo, Kerr's Creek, Walker's Creek, South River.
ROCKINGHAM—Ashby, Linville, Plains, Stonewall, Central.
RUSSELL—Lebanon, Elk Garden, New Garden, Cleveland, Castlewood, Copper Creek, Moccasin.
SCOTT—Estillville, Fulkerson, Johnson, Floyd, DeKalb, Powell, Taylor.
SHENANDOAH—Lee, Ashby, Madison, Johnston, Stonewall, Davis.
SMYTH—Marion, Rich Valley, St. Clair.
SOUTHAMPTON—Berlin & Ivor, Franklin, Jerusalem, Boykins, Capron, Drewryville, Newsoms.
SPOTSYLVANIA—Courtland, Chancellor, Livingston, Berkeley.
STAFFORD—Aquia, Falmouth, Hartwood, Rock Hill.
SURRY—Blackwater, Guilford, Cobham.
SUSSEX—Courthouse, Henry, Newville, Stony Creek, Wakefield, Waverly.
TAZEWELL—Clear Fork, Jeffersonville, Maiden Spring.
WARREN—South River, Front Royal, Fork, Cedarville.
WASHINGTON—Abingdon, Goodson, Holston, Glade Spring, Saltville, Kinderhook, North Fork.
WESTMORELAND—Washington, Montross, Cople.
WISE—Gladeville, Lipps, Roberson, Richmond.
WYTHE—Fort Chiswell, Lead Mines, Speedwell, Black Lick, Wytheville.
YORK—Grafton, Nelson, Bethel, Poquoson, Bruton.

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Names or Numbers of Wards or Voting Precincts in Cities

ALEXANDRIA—First Ward (two precincts), Second Ward (three precincts), Third Ward (two precincts), Fourth Ward (two precincts), Fifth Ward (three precincts), Sixth Ward (two precincts), Seventh Ward, and Eighth Ward.

BRISTOL—First Ward (two precincts), Second Ward, Third Ward.

BUENA VISTA—First Ward, Second Ward.

CHARLOTTESVILLE—First Ward, Second Ward, Third Ward, Fourth Ward.

CLIFTON FORGE—First Ward, Second Ward, Third Ward.

COVINGTON—Number 1, Number 2 and Number 3.

DANVILLE—First Ward, Second Ward, Third Ward, Four A Ward, Four B Ward, Fifth Ward, Sixth Ward, Seven A Ward, Seven B Ward, Eighth Ward, Ninth Ward, Tenth Ward, Eleventh Ward, Twelfth Ward.

FALLS CHURCH—Ward No. 1, Ward No. 2, and Ward No. 3.

FREDERICKSBURG—Precincts No. 1, No. 2, No. 3 and No. 4.

GALAX—North Galax, South Galax, East Galax.

HAMPTON—(1) Back River, (2) Buckroe, (3) Copeland Park, (4) Court House, (5) East End, (6) Fox Hill, (7) North End, (8) North Hampton Roads, (9) North LaSalle, (10) Pembroke, (11) Phoebus, (12) River, (13) Sinclair, (14) South Hampton Roads, (15) South LaSalle, (16) Sussex, and (17) Wythe.

HARRISONBURG—First Ward (three precincts), Second Ward (two precincts).

HOPEWELL—Precincts 1, 2, 3, 4, and 5.

LYNCHBURG—First Ward, Second Ward, Third Ward.

MARTINSVILLE—No Wards. Precincts Nos. 1, 2, 3, 4, and 5.

NEWPORT NEWS—First Ward, Second Ward, Third Ward, Fourth Ward. First Ward has precincts 1 and 2; Second Ward has precincts 1, 2, and 3; Third Ward has precincts 1, 2, 3, 4, 5 and 6; Fourth Ward has precincts 1 and 2. Also Five Wards and the following precincts: Stanley, Denbigh, Riverside, Deep Creek, East Morrison, Morrison, James Brandon, Hilton, Warwickshire, River, Park View, Jefferson Park, Hidenwood, Briarfield and Beaconsdale.

NORFOLK—No Wards. Forty-nine voting precincts.

NORTON—West Norton, East Norton.

PETERSBURG—First Ward, Second Ward (Precincts No. 1 and No. 2), Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward (Precincts No. 1 and No. 2), and Eighth Ward.

PORTSMOUTH—Jackson Ward, Jefferson Ward (two precincts), Madison Ward, Marshall Ward (two precincts), Monroe Ward, Lee Ward, Washington Ward (two precincts), Harrison Ward (two precincts), Wilson Ward (two precincts), Tyler Ward (two precincts).

RADFORD—East Ward I, East Ward II, West Ward I, and West Ward II.

RICHMOND—Sixty-eight voting precincts.

ROANOKE—Highland, Nos. 1, 2 and 3; Jefferson, Nos. 1, 2, 3, 4 and 5; Kimball, Tinker, Williamson Road, Nos. 1, 2, 3, 4 and 5; Loudon; Melrose; Villa Heights; Eureka Park; Washington Heights; Raleigh Court, Nos. 1, 2, 3, 4, 5 and 6; Grandin Court; Wasena; South Roanoke, Nos. 1, 2 and 3; Garden City; and Riverdale.

SOUTH NORFOLK—First Ward (two precincts), Second Ward (two precincts), Third Ward (two precincts).

STAUNTON—First Ward (one precinct), Second Ward—East, Second Ward—West.

SUFFOLK—First Ward, Second Ward, Third Ward, Fourth Ward.

VIRGINIA BEACH—Precinct No. 1 and Precinct No. 2.

WAYNESBORO—Ward 1, Ward 2, Ward 3, Ward 4.

WILLIAMSBURG—No Wards. One Precinct.

WINCHESTER—First Ward, first and second precincts. Second Ward, first and second precincts.

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A List of Counties and Cities in the Commonwealth with the Population of each according to the United States Census of 1950

COUNTIES	Land Area in Square Miles, 1950	1950 Population	COUNTIES	Land Area in Square Miles, 1950	1950 Population
Accomack	470	33,832	Northampton	226	17,300
Albemarle	739	26,662	Northumberland	200	10,012
Alleghany	451	23,139	Nottoway	308	15,479
Amelia	366	7,908	Orange	354	12,755
Amherst	467	20,332	Page	316	15,152
Appomattox	343	8,764	Patrick	469	15,642
Arlington	24	135,449	Pittsylvania	1,022	66,096
Augusta	986	34,154	Powhatan	268	5,556
Bath	540	6,296	Prince Edward	357	15,398
Bedford	774	29,627	Prince George	284	19,679
Bland	369	6,436	Prince William	347	22,612
Botetourt	549	15,766	Princess Anne	267	42,277
Brunswick	579	20,136	Pulaski	327	27,758
Buchanan	508	35,748	Rappahannock	267	6,112
Buckingham	576	12,288	Richmond	192	6,189
Campbell	530	28,877	Roanoke	276	41,486
Caroline	544	12,471	Rockbridge	604	23,359
Carroll	496	26,695	Rockingham	869	35,079
Charles City	184	4,676	Russell	483	26,818
Charlotte	468	14,057	Scott	539	27,640
Chesterfield	465	40,400	Shenandoah	507	21,169
Clarke	174	7,074	Smyth	435	30,187
Craig	336	3,452	Southampton	607	26,522
Culpeper	389	13,242	Spotsylvania	413	11,920
Cumberland	288	7,252	Stafford	271	11,902
Dickenson	335	23,393	Surry	280	6,220
Dinwiddie	507	18,839	Sussex	496	12,785
Elizabeth City	56	55,028	Tazewell	522	47,512
Essex	250	6,530	Warren	219	14,801
Fairfax	414	98,557	Warwick	71	39,875
Fauquier	660	21,248	Washington	579	37,536
Floyd	383	11,351	Westmoreland	236	10,148
Fluvanna	282	7,121	Wise	414	56,336
Franklin	718	24,560	Wythe	460	23,327
Frederick	432	17,537	York	123	11,750
Giles	356	18,956			
Gloucester	225	10,343	*Independent Cities:*		
Goochland	289	8,934	Alexandria	8	61,787
Grayson	451	21,379	Bristol	4	15,954
Greene	153	4,745	Buena Vista	3	5,214
Greensville	301	16,319	Charlottesville	6	25,969
Halifax	808	41,442	Clifton Forge	1	5,795
Hanover	466	21,985	Colonial Heights	3	6,077
Henrico	232	57,340	Danville	6	35,066
Henry	385	31,219	Falls Church	2	7,535
Highland	416	4,069	Fredericksburg	2	12,158
Isle of Wight	321	14,906	Hampton	1	5,966
James City	148	6,317	Harrisonburg	2	10,810
King and Queen	318	6,299	Hopewell	5	10,219
King George	178	6,710	Lynchburg	13	47,727
King William	278	7,589	Martinsville	9	17,251
Lancaster	142	8,640	Newport News	4	42,358
Lee	434	36,106	Norfolk	28	213,513
Loudoun	517	21,147	Petersburg	7	35,054
Louisa	514	12,826	Portsmouth	10	80,039
Lunenburg	443	14,116	Radford	5	9,026
Madison	327	8,273	Richmond	37	230,310
Mathews	87	7,148	Roanoke	27	91,921
Mecklenburg	665	33,497	South Norfolk	2	10,434
Middlesex	132	6,715	Staunton	9	19,927
Montgomery	395	29,780	Suffolk	2	12,339
Nansemond	402	25,238	Waynesboro	7	12,357
Nelson	468	14,042	Williamsburg	3	6,735
New Kent	212	3,995	Winchester	4	13,841
Norfolk	360	99,937			

Population of Virginia, 1950 Census, 3,318,680.

Since 1950 Census, the following have become cities: Covington, Galax, Norton, Virginia Beach and Warwick; Elizabeth City County including the town of Phoebus, and Hampton have consolidated into one city known as Hampton; and Newport News and Warwick have consolidated into one city known as Newport News. The population of a consolidated city under Chapter 330, 1958 Acts, is the sum of the populations of the consolidating subdivisions.

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COUNTIES AND CITIES RANKED BY POPULATION

According to the United States Census of 1950

Population	County	Population	County	Population	County
3,452	Craig	12,471	Caroline	25,238	Nansemond
3,995	New Kent	12,755	Orange	26,522	Southampton
4,069	Highland	12,785	Sussex	26,662	Albemarle
4,676	Charles City	12,826	Louisa	26,695	Carroll
4,745	Greene	13,242	Culpeper	26,818	Russell
5,556	Powhatan	14,042	Nelson	27,640	Scott
6,112	Rappahannock	14,057	Charlotte	27,758	Pulaski
6,189	Richmond	14,116	Lunenburg	28,877	Campbell
6,220	Surry	14,801	Warren	29,627	Bedford
6,296	Bath	14,906	Isle of Wight	29,780	Montgomery
6,299	King and Queen	15,152	Page	30,187	Smyth
6,317	James City	15,398	Prince Edward	31,219	Henry
6,436	Bland	15,479	Nottoway	33,497	Mecklenburg
6,530	Essex	15,642	Patrick	33,832	Accomack
6,710	King George	15,766	Botetourt	34,154	Augusta
6,715	Middlesex	16,319	Greensville	35,079	Rockingham
7,074	Clarke	17,300	Northampton	35,748	Buchanan
7,121	Fluvanna	17,537	Frederick	36,106	Lee
7,148	Mathews	18,839	Dinwiddie	37,536	Washington
7,252	Cumberland	18,956	Giles	39,875	Warwick
7,589	King William	19,679	Prince George	40,400	Chesterfield
7,908	Amelia	20,136	Brunswick	41,442	Halifax
8,273	Madison	20,332	Amherst	41,486	Roanoke
8,640	Lancaster	21,147	Loudoun	42,277	Princess Anne
8,764	Appomattox	21,169	Shenandoah	47,512	Tazewell
8,934	Goochland	21,248	Fauquier	55,028	Elizabeth City
10,012	Northumberland	21,379	Grayson	56,336	Wise
10,148	Westmoreland	21,985	Hanover	57,340	Henrico
10,343	Gloucester	22,612	Prince William	66,096	Pittsylvania
11,351	Floyd	23,139	Allegany	98,557	Fairfax
11,750	York	23,327	Wythe	99,937	Norfolk
11,902	Stafford	23,359	Rockbridge	135,449	Arlington
11,920	Spotsylvania	23,393	Dickenson		
12,288	Buckingham	24,560	Franklin		

Population	Cities	Population	Cities	Population	Cities
5,214	Buena Vista	12,158	Fredericksburg	42,358	Newport News
5,795	Clifton Forge	12,339	Suffolk	47,727	Lynchburg
5,966	Hampton	12,357	Waynesboro	61,787	Alexandria
6,077	Colonial Heights	13,841	Winchester	80,039	Portsmouth
		15,954	Bristol	91,921	Roanoke
6,735	Williamsburg				
7,535	Falls Church	17,251	Martinsville	213,513	Norfolk
9,026	Radford	19,927	Staunton	230,310	Richmond
10,219	Hopewell	25,969	Charlottsville		
10,434	South Norfolk	35,054	Petersburg		
10,810	Harrisonburg	35,066	Danville		

Since 1950 Census, the following have become cities: Covington, Galax, Norton, Virginia Beach, and Warwick; Elizabeth City County has become part of the city of Hampton; Newport News and Warwick have consolidated into one city known as Newport News.

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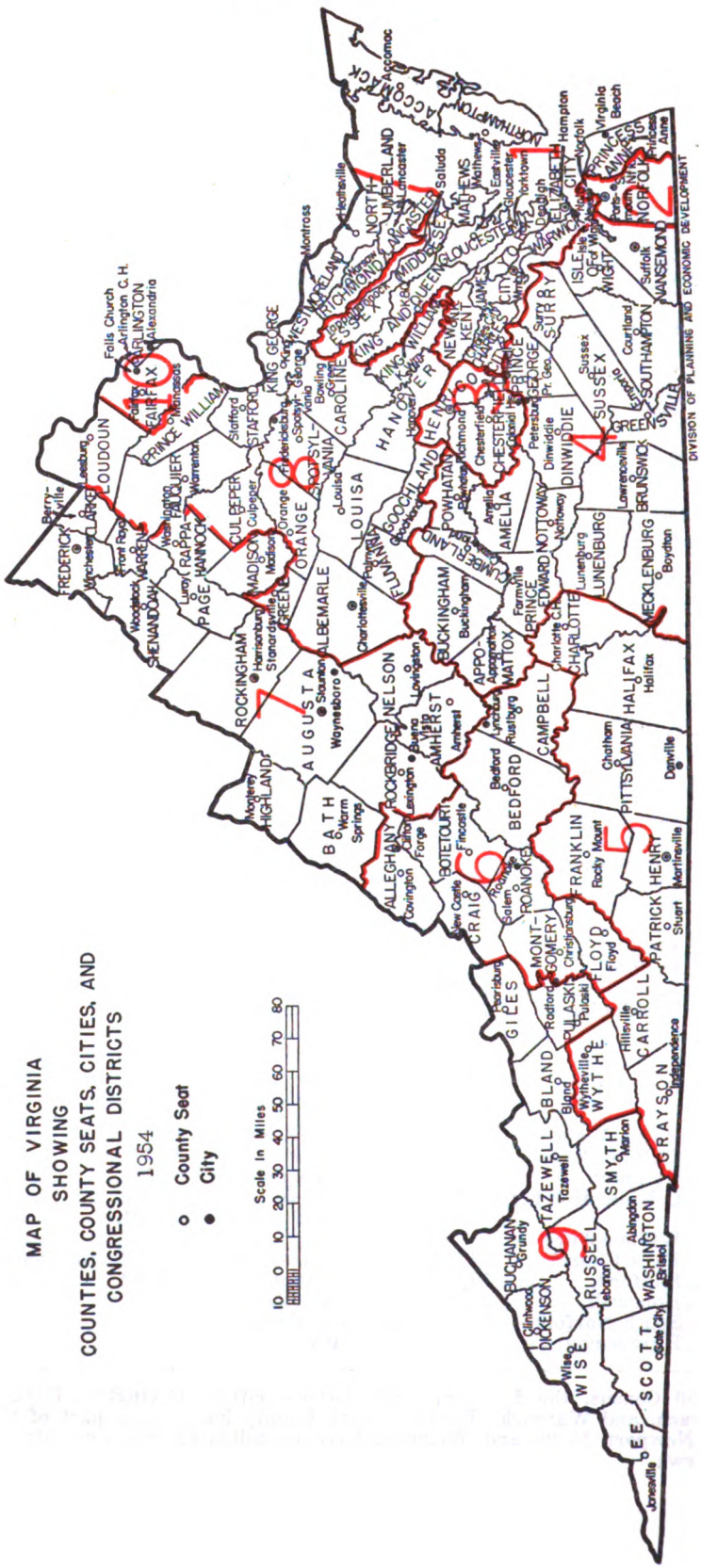

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STATE OFFICIALS

GOVERNOR.....*J. Lindsay Almond, Jr.*
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE.....*A. E. S. Stephens*
ADJUTANT GENERAL.....*Paul M. Booth*
AGRICULTURE AND IMMIGRATION, COMMISSIONER OF.....*Parke C. Brinkley*
ALCOHOLIC BEVERAGE CONTROL BOARD, VIRGINIA.....*John G. Bruce, Chairman*; *John W. Hardy*; *Warren Wright*
ATTORNEY GENERAL.....*Albertis S. Harrison, Jr.*
AUDITOR OF PUBLIC ACCOUNTS.....*J. Gordon Bennett*
BANKING, COMMISSIONER OF.....*Logan R. Ritchie*
BUDGET, DIRECTOR OF DIVISION OF THE .....*L. M. Kuhn*
BUREAU OF ENGINEERING AND MAINTENANCE, CHIEF.....*D. V. Chapman, Jr.*
COMPENSATION BOARD, CHAIRMAN.....*G. Edmond Massie*
COMPTROLLER, STATE.....*Sidney C. Day, Jr.*
CONSERVATION AND ECONOMIC DEVELOPMENT, VIRGINIA—
DIRECTOR OF DEPARTMENT.....*Marvin M. Sutherland*
CORPORATION COMMISSION, STATE.....*Ralph T. Catterall, Chairman*; *H. Lester Hooker*; *Jesse W. Dillon*
EDUCATION, STATE BOARD OF—SUPT. OF PUBLIC INSTRUCTION.....*Davis Y. Paschall*
ELECTIONS, STATE BOARD—SECRETARY.....*Levin Nock Davis*
EMPLOYMENT COMMISSION, VIRGINIA, COMMISSIONER.....*J. Eldred Hill, Jr.*
FISHERIES, COMMISSIONER OF.....*Milton T. Hickman*
GAME AND INLAND FISHERIES, COMMISSION OF—
EXECUTIVE DIRECTOR .....*Chester S. Phelps*
GROUNDS AND BUILDINGS, DIRECTOR OF THE DIVISION OF.....*M. L. Westman*
HEALTH COMMISSIONER, STATE.....*Dr. Mack I. Shanholtz*
HIGHWAY COMMISSIONER, STATE.....*Howard H. Harris*
HOUSE OF DELEGATES:
Speaker .....*E. Blackburn Moore*
Clerk, and Keeper of the Rolls of the State.....*E. Griffith Dodson*
INDUSTRIAL COMMISSION OF VIRGINIA.....*M. E. Nuckols, Jr., Chairman*; *M. E. Evans*; *Thomas M. Miller*
INDUSTRIAL DEVELOPMENT, DIVISION OF, COMMISSIONER.....*C. M. Nicholson, Jr.*
INSURANCE, COMMISSIONER OF.....*T. Nelson Parker*
LABOR, COMMISSIONER OF.....*Edmond M. Boggs*
LIBRARIAN, STATE.....*Randolph W. Church*
MENTAL HYGIENE AND HOSPITALS, DEPARTMENT OF,
COMMISSIONER OF.....*Dr. Hiram W. Davis*
MOTION PICTURE CENSORSHIP, DIVISION OF.....*Mrs. Lollie C. Whitehead, Chairman*; *Mrs. Russell Ferguson Wagers*; *Mrs. Margaret K. Gregory*
MOTOR VEHICLES, COMMISSIONER OF DIVISION OF.....*Chester H. Lamb*
PENITENTIARY, SUPERINTENDENT OF THE.....*W. F. Smyth, Jr.*
PERSONNEL DIRECTOR.....*John W. Garber*
POLICE, STATE, SUPERINTENDENT OF DEPARTMENT OF.....*C. W. Woodson, Jr.*
PROFESSIONAL AND OCCUPATIONAL REGISTRATION, DIRECTOR OF DEPT.....*Turner N. Burton*
PURCHASES AND SUPPLY, DEPT. OF, DIRECTOR.....*G. Lloyd Nunnally*
RETIREMENT SYSTEM, VIRGINIA SUPPLEMENTAL, DIRECTOR.....*Charles H. Smith*
SECRETARY OF THE COMMONWEALTH.....*Martha Bell Conway*
SENATE:
President.....*A. E. S. Stephens*
President pro tempore.....*Charles T. Moses*
Clerk .....*Ben D. Lacy*
STATUTORY RESEARCH AND DRAFTING,
DIRECTOR OF DIVISION.....*John B. Boatwright, Jr.*
TAX COMMISSIONER, STATE.....*C. H. Morrissett*
TREASURER, STATE.....*E. B. Pendleton, Jr.*
VITAL STATISTICS, REGISTRAR.....*Deane L. Huxtable*
WELFARE AND INSTITUTIONS, DIRECTOR OF DEPT.....*Richard W. Copeland*
DIRECTOR OF DIVISION OF CORRECTIONS.....*Rice M. Youell*
DIRECTOR OF DIVISION OF GENERAL WELFARE.....*W. L. Painter*
DIRECTOR OF DIVISION OF PAROLE.....*Charles P. Chew*
DIRECTOR OF DIVISION OF YOUTH SERVICES.....*Carroll R. Minor*
CONSULTANT ON JUVENILE COURT PRACTICE AND PROCEDURE.....*J. Luther Glass*

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SUPREME COURT OF APPEALS

JOHN W. EGGLESTON, *Chief Justice*.....*Norfolk, Va.*

ASSOCIATE JUSTICES

C. VERNON SPRATLEY.....*Hampton, Va.*
A. C. BUCHANAN.....*Tazewell, Va.*
WILLIS D. MILLER.....*Richmond, Va.*
KENNON C. WHITTLE.....*Martinsville, Va.*
HAROLD F. SNEAD.....*Richmond, Va.*
LAWRENCE W. I'ANSON.....*Portsmouth, Va.*

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

Dr. Hiram W. Davis, Commissioner
9 N. 12th St., Richmond

STATE HOSPITALS FOR THE MENTALLY ILL AND TRAINING SCHOOLS FOR THE MENTALLY DEFICIENT

EASTERN—WILLIAMSBURG, VA.
Dr. Howard H. Ashbury, Superintendent

SOUTHWESTERN—MARION, VA.
Dr. Joseph R. Blalock, Superintendent

WESTERN—STAUNTON, VA.
Dr. James B. Pettis, Superintendent

CENTRAL—PETERSBURG, VA.
Dr. Theodore G. Denton, Superintendent

DEJARNETTE STATE SANATORIUM—STAUNTON, VA.
Dr. G. Edmund Stone, Superintendent

LYNCHBURG TRAINING SCHOOL AND HOSPITAL—COLONY, VA.
Dr. Benedict Nagler, Superintendent

PETERSBURG TRAINING SCHOOL AND HOSPITAL—PETERSBURG, VA.
Dr. Robin Markham, Physician in Charge

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THE SENATE

A list of Senators, numbers of their districts, postoffices, counties or cities in which they reside, telegraph and express offices.

No. of District	Name	Postoffice	County or City	Telegraph and Express Office	Representing
23	Aldhizer, George S., II	Broadway	Rockingham	Broadway	Harrisonburg, Page, Rappahannock, Rockingham and Warren.
1	Ames, E. Almer, Jr.	Onancock	Accomack	Onancock (Tasley Exp.)	Accomack, Northampton, Princess Anne, Virginia Beach.
2	Baldwin, Robert F.	116 Brooke Ave., Norfolk	Norfolk City	Norfolk	Norfolk City.
31	Bateman, Fred W.	217 Office Plaza Bldg., 311 Main St., Newport News	Newport News	Warwick Station, Newport News	Gloucester, Mathews, Newport News, York, James City, New Kent and Williamsburg.
34	Bemiss, FitzGerald	P. O. Box 1156, Richmond	Richmond City	Richmond	Richmond City.
19	Bird, D. Woodrow	Bland	Bland	Wytheville	Bland, Giles, Pulaski and Wythe.
33	Bird, Lloyd C.	8847 Riverside Dr., Richmond 25	Chesterfield	Richmond	Charles City, Chesterfield, Colonial Heights and Henrico.
30	Blanton, Thomas H.	Bowling Green	Caroline	Bowling Green	Caroline, Hanover, King William, Essex, King and Queen and Middlesex.
36	Boothe, Armistead L.	505 King St., Alexandria	Alexandria	Alexandria	City of Alexandria.
2	Breeden, Edward L., Jr.	Bank of Commerce Bldg., Norfolk	Norfolk City	Norfolk	Norfolk City.
27	Button, Robert Y.	Culpeper	Culpeper	Culpeper	Culpeper, Fauquier and Loudoun.
24	Byrd, Harry F., Jr.	Winchester	Winchester	Winchester	Clarke, Frederick, Shenandoah and Winchester.
22	Carter, Curry	Staunton	Staunton	Staunton	Augusta, Bath, Highland, Staunton and Waynesboro.
20	Collins, Hale	Covington	Covington	Covington	Alleghany, Bedford, Botetourt, Buena Vista, Clifton Forge, Covington, Craig and Rockbridge.
28	Donovan, John A. K.	106 Little Falls St., Falls Church	Falls Church	Falls Church	Fairfax and Falls Church.
9	Fenwick, Charles R.	6733 Lee Highway, Arlington	Arlington	Arlington	Arlington.
5	Godwin, Mills E., Jr.	Suffolk	Suffolk	Suffolk	Isle of Wight, Nansemond, Southampton, Suffolk.
6	Gray, Garland	Waverly	Sussex	Waverly	Greensville, Hopewell, Prince George, Surry, Sussex.
34	Haddock, Dr. Edward E.	1133 W. Franklin St., Richmond	Richmond City	Richmond	Richmond City.

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THE SENATE

A list of Senators, numbers of their districts, postoffices, counties or cities in which they reside, telegraph and express offices.

District No. of	Name	Postoffice	County or City	Telegraph and Express Office	Representing
4	Hagood, Dr. J. D.	Clover	Halifax	Clover	Halifax, Charlotte, Prince Edward.
35	Hopkins, Wm. B.	Boxley Bldg., Roanoke	Roanoke City	Roanoke	Roanoke City.
7	Hutcheson, Joseph C.	Lawrenceville	Brunswick	Lawrenceville	Brunswick, Lunenburg and Mecklenburg.
14	Landreth, S. Floyd	Galax	Galax	Galax	Carroll, Floyd, Grayson and Galax.
17	Long, M. M.	St. Paul	Wise	St. Paul	Dickenson, Wise and Norton.
3	Marsh, Gordon F.	Law Bldg., Portsmouth	Portsmouth	Portsmouth	Norfolk County, South Norfolk.
25	McCue, Edward O., Jr.	Charlottesville	Charlottesville	Charlottesville	Albemarle, Charlottesville, Fluvanna, Greene and Madison.
11	Moses, Charles T.	Appomattox	Appomattox	Appomattox	Appomattox, Buckingham, Cumberland, Powhatan, Amherst, Nelson, Amelia.
29	Newton, Blake T.	Hague	Westmoreland	Warsaw	King George, Lancaster, Northumberland, Prince William, Richmond County, Stafford and Westmoreland.
12	Perrow, Mosby G., Jr.	First Colony Life Ins. Bldg., Lynchburg	Lynchburg	Lynchburg	Campbell and Lynchburg.
15	Phillips, Thos. C.	188 E. Main St., Abingdon	Washington	Abingdon	Bristol, Smyth and Washington.
26	Purcell, Harold H.	Louisa	Louisa	Louisa	Fredericksburg, Goochland, Louisa, Orange and Spotsylvania.
10	Spong, Wm. B., Jr.	203 Court St., Portsmouth.	Portsmouth	Portsmouth	Portsmouth.
13	Stone, Wm. F.	Box 1432, Martinsville	Martinsville	Martinsville	Danville, Henry, Martinsville, Patrick and Pittsylvania.
18	Stuart, Harry C.	Elk Garden	Russell	Blackford	Buchanan, Russell and Tazewell.
8	Temple, John H.	P. O. Box 829, Petersburg	Petersburg	Petersburg	Dinwiddie, Nottoway and Petersburg.
21	Turk, James C.	Radford	Radford	Radford	Franklin, Montgomery, Radford, Roanoke County.
16	Wheeler, J. Hubert	Ewing	Lee	Ewing	Lee and Scott.
34	Willey, Edward E.	1205 Bellevue Ave., Richmond	Richmond City	Richmond	Richmond City.
32	Wilson, Victor P.	111 N. King St., Hampton	Hampton	Hampton	Hampton and Newport News.
13	Wyatt, Landon R.	Danville	Danville	Danville	Danville, Henry, Martinsville, Patrick and Pittsylvania.

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SENATE OFFICERS AND EMPLOYEES

Name	Office	Postoffice	County or City
Stephens, A. E. S.	Lieutenant Governor	Smithfield	Isle of Wight
Moses, Chas. T.	President pro tem	Appomattox	Appomattox
Lacy, Ben D.	Clerk	Scottsburg	Halifax
Lucas, Louise O.	Deputy Clerk	Richmond	Richmond City
Smyth, H. N.	Assistant Clerk	Richmond	Richmond City
Myers, Morris D.	Reading Clerk	Norfolk	Norfolk City
Spencer, Thos. M., Jr.	Journal Clerk	South Boston	Halifax
Parrott, James E.	Minute Clerk	Ruckersville	Greene
Overton, Chas. A., Jr.	Sergeant at Arms	Richmond	Richmond City
Tritton, R. C.	Doorkeeper	Richmond	Richmond City
Pedrick, Elmer C.	Gallery Doorkeeper	Richmond	Richmond City
Perkins, Dorothy O'B.	Engrossing Clerk	Bon Air	Chesterfield
Jones, Miriam R.	Typist	Richmond	Chesterfield
Boggs, D. Hugh	Committee Clerk	Columbia	Goochland
Coulbourn, U. Oscar	Committee Clerk	Waverly	Sussex
Ellis, Homer B.	Committee Clerk	Norton	Wise
Hamner, Harold D.	Committee Clerk	Ammon	Amelia
Hutton, Jas. W.	Committee Clerk	Wytheville	Wythe
Spinella, Nicholas A.	Committee Clerk	Richmond	Henrico
Warren, Wade O.	Committee Clerk	Harrisonburg	Harrisonburg
Rogers, George W.	Postmaster	Richmond	Richmond City
Wingo, William	Asst. Postmaster	Richmond	Chesterfield
Atkisson, Mabel M.	Stenographer	Richmond	Henrico
Chesterman, Julia	Stenographer	Richmond	Richmond City
Kannon, Carolyn A.	Stenographer	Richmond	Henrico
Marshall, Barbara F.	Stenographer	Richmond	Richmond City
Persin, Margaret Smith	Stenographer	Charlottesville	Albemarle
Page, Mildred C.	Stenographer	Norfolk	Norfolk City
West, Dallas D.	Stenographer	Richmond	Henrico
Wright, Anne T.	Stenographer	Tappahannock	Essex
Beck, Edward A., III	Page	Richmond	Henrico
Burton, T. Neal, II	Page	Richmond	Henrico
Garrett, John McE.	Page	King William	King William
Hawthorne, Robert E.	Page	Alberta	Brunswick
Jobe, Kenneth W.	Page	Amherst	Amherst
Merryman, Emory H., Jr.	Page	Rustburg	Campbell
Nott, W. Sarsfield, Jr.	Page	Richmond	Richmond City
Pedigo, Henry N., Jr.	Page	Waverly	Sussex
Shortt, Ronald V.	Page	Richmond	Henrico
Yeatts, Ernest S., Jr.	Page	Meadow View	Washington

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LIST OF SENATORS SHOWING NUMBER OF SEAT

A. E. S. STEPHENS, Lieutenant Governor, *President*

CHARLES T. MOSES, *President pro tempore*

Aldhizer, George S., II	37	Hopkins, Wm. B	17
Ames, E. Almer, Jr	3	Hutcheson, Joseph C	26
Baldwin, Robert F	4	Landreth, S. Floyd	15
Bateman, Fred W	40	Long, M. M	7
Bemiss, FitzGerald	24	Marsh, Gordon F	22
Bird, D. Woodrow	14	McCue, Edward O., Jr	30
Bird, Lloyd C	31	Moses, Charles T	13
Blanton, Thomas H	9	Newton, Blake T	2
Boothe, Armistead L	19	Perrow, Mosby G., Jr	5
Breeden, Edward L., Jr	6	Phillips, Thos. C	38
Button, Robert Y	36	Purcell, Harold H	21
Byrd, Harry F., Jr	12	Spong, Wm. B., Jr	29
Carter, Curry	28	Stone, Wm. F	35
Collins, Hale	39	Stuart, Harry C	33
Donovan, John A. K	20	Temple, John H	34
Fenwick, Charles R	32	Turk, James C	16
Godwin, Mills E., Jr	11	Wheeler, J. Hubert	1
Gray, Garland	10	Willey, Edward E	25
Haddock, Dr. Edward E	23	Wilson, Victor P	18
Hagood, Dr. J. D	27	Wyatt, Landon R	8

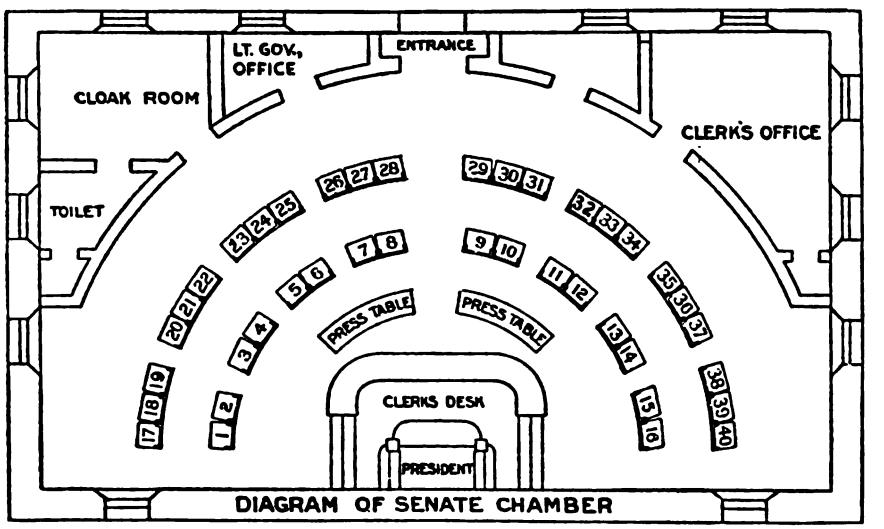

DIAGRAM OF SENATE CHAMBER

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THE HOUSE OF DELEGATES

A list of members, their postoffices, counties or cities in which they reside, and telegraph offices, and districts represented

NAME	POSTOFFICE	COUNTY OR CITY	TELEGRAPH OFFICE	COUNTY OR CITY REPRESENTED
ADAMS, HOWARD H.	Eastville	Northampton	Eastville	Accomack and Northampton.
ALLEN, GEO. E., JR.	P. O. Box 6855, Richmond	Richmond City	Richmond	Richmond City.
ANDERSON, HOWARD P.	Halifax	Halifax	Halifax	Halifax.
ANDERSON, MATT G.	Oilville	Goochland	Sabot	Fluvanna, Goochland and Louisa.
ANDREWS, T. COLEMAN, JR.	American Bldg., Richmond	Richmond City	Richmond	Richmond City.
BROWN, EARLE M.	Peoples Nat'l Bk. Bldg., Lynchburg.	Lynchburg	Lynchburg	Amherst and Lynchburg.
BUCK, FRED C.	Abingdon	Washington	Abingdon	Washington and Bristol.
BURROWS, HAROLD M., JR.	Charlottesville	Charlottesville	Charlottesville	Charlottesville.
CAMBLOS, J. L.	Big Stone Gap	Wise	Big Stone Gap	Wise and Norton.
CANTRELL, ORBY L.	Pound	Wise	Norton	Wise and Norton.
CARLTON, E. TUCKER	206 E. Cary St., Richmond	Richmond City	Richmond	Richmond City.
CARNEAL, RUSSELL M.	Box, 805, Williamsburg	Williamsburg	Williamsburg	Charles City, James City, New Kent, York and Williamsburg.
CHILDRESS, CALVIN H.	Western Union Bldg., Norfolk	Norfolk City	Norfolk	Norfolk City.
CLARK, ROBERT L.	Stuart	Patrick	Stuart	Henry, Patrick and Martinsville.
CLEATON, C. WILLIAM	South Hill	Mecklenburg	South Hill	Mecklenburg.
COCHRAN, GEORGE M.	Staunton	Staunton	Staunton	Augusta, Highland, Staunton and Waynesboro.
COHOON, WILLIS E.	Nat. Bk. of Suffolk Bldg., Suffolk	Suffolk	Suffolk	Nansemond and Suffolk.
COMPTON, E. C.	Stanardsville	Greene	Stanardsville	Albemarle and Greene.
COOKE, JOHN WARREN	Mathews	Mathews	Mathews	Gloucester, Mathews and Middlesex.
COYLE, R. ED., SR.	Haysi	Dickenson	Grundy	Buchanan and Dickenson.
CROSS, CHARLES B., JR.	Law Building, Portsmouth	Norfolk County	Portsmouth	Norfolk County and South Norfolk.
DALTON, GRADY W.	Richlands	Tazewell	Richlands	Tazewell.
DANIEL, JOHN H.	Charlotte C. H.	Charlotte	Drakes Branch	Charlotte and Prince Edward.
DANIEL, W. C. ("DAN")	Danville	Danville	Danville	Danville.
DAVIS DELAMATER	Bank of Commerce Building, Norfolk	Norfolk City	Norfolk	Norfolk City.
DERVISHIAN, HAROLD H.	516 American Bldg., Richmond	Richmond City	Richmond	Richmond City.
EDMUNDS, FELIX E.	Waynesboro	Waynesboro	Waynesboro	Augusta, Highland, Staunton and Waynesboro.
ELLIFRITS, W. HOWARD	108 High Street, Strasburg	Shenandoah	Strasburg	Shenandoah.
ELLIOTT, DR. W. C.	Lebanon	Russell	Cleveland	Russell.
FIDLER, WALTHER B.	Sharps	Richmond County	Warsaw	Northumberland, Westmoreland, Lancaster and Richmond County.
FROST, TOM	Warrenton	Fauquier	Warrenton	Fauquier and Rappahannock.
FUGATE, JAMES B.	Gate City	Scott	Gate City	Scott
GIESEN, MRS. CHARLOTTE C.	Radford	Radford	Radford	Montgomery and Radford.
GLASS, THOMAS R.	Lynchburg	Lynchburg	Lynchburg	Lynchburg.
GOULDMAN, FRANCIS B.	Fredericksburg	Fredericksburg	Fredericksburg	Spotsylvania and Fredericksburg.
GREEN, CHAS. E., JR.	Bedford	Bedford	Bedford	Bedford.
GREGORY, KOSSEN	Box 41, Roanoke	Roanoke City	Roanoke	Roanoke City.
GWATHMEY, ROBERT R., III.	Hanover	Hanover	Hanover	Hanover and King William.
GWYN, R. CROCKETT, JR.	Marion	Smyth	Marion	Smyth.
HARRELL, LYMAN C., JR.	Emporia	Greensville	Emporia	Greensville and Sussex.

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NAME	POSTOFFICE	COUNTY OR CITY	TELEGRAPH OFFICE	COUNTY OR CITY REPRESENTED
HILL, GEORGE H.	900 River Road, Newport News	Newport News	Newport News	Newport News.
HOLLAND, SHIRLEY T.	Windsor	Isle of Wight	Windsor	Isle of Wight, Nansemond and Suffolk.
HOOVER, LAWRENCE H.	Harrisonburg	Harrisonburg	Harrisonburg	Rockingham and Harrisonburg.
HOWELL, HENRY E., JR.	702 Royster Bldg., Norfolk	Norfolk City	Norfolk	Norfolk City.
HUDGINS, EDWARD M.	704 First Natl Bk. Bldg., Richmond	Chesterfield	Richmond	Chesterfield and Colonial Heights.
HUTCHENS, CHARLES K.	P. O. Box 512, Newport News	Newport News	Newport News	Newport News.
HUTCHERSON, NATHAN B., JR.	Rocky Mount	Franklin	Rocky Mount	Franklin.
IRBY, LLEWELLYN H.	Blackstone	Nottoway	Blackstone	Amelia, Powhatan and Nottoway.
JAMES, E. RALPH	Hampton	Hampton	Hampton	Hampton.
JEWETT, J. J.	Midlothian	Chesterfield	Richmond	Chesterfield, Henrico and Colonial Heights.
LANE, EDWARD E.	718 E. Franklin St., Richmond	Richmond City	Richmond	Richmond City.
LEADBETTER, PARIS I.	Hopewell	Hopewell	Hopwell	Prince George, Surry and Hopewell.
LEARY, W. T.	5 Morris St., Portsmouth	Norfolk County	Portsmouth	Norfolk County and South Norfolk.
LOCHER, BALDWIN G.	Lexington	Rockbridge	Lexington	Rockbridge, Bath and Buena Vista.
MCDIARMID, MRS. DOROTHY S.	Box 357, Rt. 4, Vienna	Fairfax	Fairfax	Fairfax and Falls Church.
MCMURRAN, LEWIS A., JR.	5912 Huntington Ave., Newport News	Newport News	Newport News	Newport News.
MANN, HARRISON	1818 S. Arlington Ridge Road, Arlington	Arlington	Arlington	Arlington.
MANNS, PAUL W.	Bowling Green	Caroline	Bowling Green	Caroline, King George, Essex and King and Queen.
MOODY, WILLARD J.	704 Professional Bldg., Portsmouth	Portsmouth	Portsmouth	Portsmouth.
MOORE, E. BLACKBURN	Berryville	Clarke	Berryville	Clarke, Frederick and Winchester.
MOORE, GARNETT S.	Pulaski	Pulaski	Pulaski	Pulaski.
MOXLEY, DR. JOSEPH C.	Independence	Grayson	Galax	Grayson and Galax.
NEWTON, DR. M. C., SR.	Narrows	Giles	Narrows	Bland and Giles.
ORR, ROBERT S.	Rt. 1, Dryden	Lee	Pennington Gap	Lee.
OWENS, STANLEY A.	Manassas	Prince William	Manassas	Prince William and Stafford.
PECK, JOHN M., JR.	Rt. 1, Fincastle	Botetourt	Roanoke	Botetourt and Craig.
PENDLETON, NAT W.	Wytheville	Wythe	Wytheville	Wythe.
PENNINGTON, DR. WILLIAM A.	Buckingham	Buckingham	Dillwyn	Buchingham, Appomattox and Cumberland.
PHILLIPS, LUCAS D.	Leesburg	Loudoun	Leesburg	Loudoun.
PHILPOTT, ALBERT L.	Bassett	Henry	Bassett	Henry, Partick and Martinsville.
PILCHER, THEODORE C.	402 Equitable Bldg., Cor. of Boush St. & College Place, Norfolk	Norfolk City	Norfolk	Norfolk City.
POFF, JOSEPH H.	Floyd	Floyd	Floyd	Carroll and Floyd.
POLLARD, FRED G.	1001 E. Main St., Richmond	Richmond City	Richmond	Richmond City.
POPE, SAMUEL E.	Drewryville	Southampton	Drewryville	Southampton.
PRICE, C. D.	Stanley	Page	Stanley	Page and Warren.

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NAME	POSTOFFICE	COUNTY OR CITY	TELEGRAPH OFFICE	COUNTY OR CITY REPRESENTED
REYNOLDS, DR. RANDALL O.	Chatham	Pittsylvania	Chatham	Pittsylvania.
RICHARDSON, ARTHUR H.	Dinwiddie	Dinwiddie	Dinwiddie	Petersburg and Dinwiddie.
ROBERTS, BRADLEY	Bristol	Bristol	Bristol	Washington and Bristol.
ROBERTS, JAMES W.	6435 Tidewater Dr., Norfolk	Norfolk City	Norfolk	Norfolk City.
RUTHERFOORD, JULIAN H., JR.	141 Campbell Ave., S.W., Roanoke	Roanoke City	Roanoke	Roanoke City.
SANDIE, DONALD H., SR.	710 Professional Bldg., Portsmouth.	Portsmouth	Portsmouth	Portsmouth.
SATTERFIELD, DAVID E., III.	500 Travelers Bldg., Richmond	Richmond City	Richmond	Richmond City.
SAVAGE, TOY D., JR.	Nat'l Bank of Commerce Bldg., Norfolk	Norfolk City	Norfolk	Norfolk City.
SHREVES, MELVIN L.	Bloxom	Accomack	Onley	Accomack.
SLAUGHTER, D. FRENCH, JR.	Culpeper	Culpeper	Culpeper	Madison, Culpeper and Orange.
SMITH, R. MACLIN	Kenbridge	Lunenburg	Kenbridge	Brunswick and Lunenburg.
SMITH, VERNON C.	Grundy	Buchanan	Grundy	Buchanan.
SMITH, W. ROY	2022 S.Sycamore St., P. O. Box 706, Petersburg	Petersburg	Petersburg	Petersburg and Dinwiddie.
STONE, MRS. KATHRYN H.	1051 26th Rd., S., Arlington	Arlington	Arlington	Arlington.
THOMPSON, LAWRENCE R.	Rustburg	Campbell	Rustburg	Campbell.
THOMPSON, W. CARRINGTON.	Chatham	Pittsylvania	Chatham	Pittsylvania.
THOMSON, JAMES M.	Box 817, Alexandria.	Alexandria	Alexandria	Alexandria.
THURMAN, NELSON R.	Vinton	Roanoke County.	Roanoke	Roanoke County.
WAMPLER, CHAS. W., JR.	Harrisonburg	Harrisonburg	Harrisonburg	Rockingham and Harrisonburg.
WEBB, JOHN C.	Fairfax	Fairfax	Fairfax	Fairfax and Falls Church.
WEBBER, H. RAY	Low Moor	Alleghany	Clifton Forge	Alleghany, Covington and Clifton Forge.
WHITE, PRESSLEY B.	106 66th St., Virginia Beach	Virginia Beach	Norfolk	Princess Anne and Virginia Beach.
WHITEHEAD, ROBERT	Lovingston	Nelson	Shipman	Nelson and Amherst.
WILLIAMS, JOSEPH J., JR.	Sandston	Henrico	Richmond	Henrico.
WINSTON, WILLIAM L.	1437 N. Courthouse Rd., Arlington	Arlington	Arlington	Arlington.

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HOUSE OFFICIALS AND EMPLOYEES

NAME	OFFICE	POSTOFFICE	COUNTY OR CITY	TELEGRAPH OFFICE
MOORE, E. BLACKBURN	Speaker	Berryville	Clarke	Berryville
DODSON, E. GRIFFITH	Clerk	Richmond	Richmond City	Richmond
RICH, GEORGE R.	Assistant Clerk	Richmond	Richmond City	Richmond
PEIRCE, ALICE CLARK	Secretary, Deputy Clerk	Richmond	Richmond City	Richmond
DAVIS, EFFIE P.	Assistant Secretary	Richmond	Henrico	Richmond
GODDIN, STONEWALL	Custodian	Richmond	Richmond City	Richmond
CONNOCK, STUART W.	Journal Clerk	Richmond	Henrico	Richmond
SAUNDERS, J. EDWIN	Minute Clerk	Richmond	Henrico	Richmond
ADAMS, W. HOWARD	Engrossing Clerk	Spring Grove	Prince George	Waverly
DYER, NIDA P.	Engrossing Clerk	Martinsville	Martinsville	Martinsville
ELMORE, RALPH A., II	Enrolling Clerk	Richmond	Henrico	Richmond
STINCHFIELD, M. FRANCES	Journal Typist	Richmond	Richmond City	Richmond
BARRET, STUART	Committee Clerk	Richmond	Richmond City	Richmond
BRADLEY, ROBERT M.	Committee Clerk	Richmond	Richmond City	Richmond
CHOWNING, CARROLL C.	Committee Clerk	Urbanna	Middlesex	Urbanna
CONNELLY, CRAWLEY C., JR.	Committee Clerk	Richmond	Henrico	Richmond
CREEKMUR, WILLIAM R.	Committee Clerk	Norfolk	Norfolk City	Norfolk
HILLQUIST, L. G.	Committee Clerk	Richmond	Chesterfield	Richmond
PECK, ERNEST	Committee Clerk	Richmond	Chesterfield	Richmond
HEALY, JOSEPH E.	Sergeant at Arms	Bon Air	Chesterfield	Richmond
MORGAN, MILTON R.	Doorkeeper	Richmond	Richmond City	Richmond
OVERBEY, ROBERT W.	Doorkeeper	Richmond	Richmond City	Richmond
RIDDELL, ARTHUR GRAYSON	Doorkeeper	Richmond	Richmond City	Richmond
SMITH, HARVEY L.	Doorkeeper	Richmond	Richmond City	Richmond
BOYD, GRETCHEN F.	Proofreader	Richmond	Richmond City	Richmond
CHICHESTER, VIRGINIA P.	Proofreader	Richmond	Richmond City	Richmond
CONNOCK, GWENDOLYN R.	Proofreader	Richmond	Henrico	Richmond
SHUGART, NELLIE R.	Proofreader	Richmond	Richmond City	Richmond
WATKINS, CHARLOTTE G.	Proofreader	Richmond	Chesterfield	Richmond
BROWN, DORIS A.	Stenographer	Richmond	Richmond City	Richmond
DRAPER, MARGARET F.	Stenographer	Highland Springs	Henrico	Richmond
EDWARDS, FRANCES J.	Stenographer	Union Level	Mecklenburg	South Hill
EPPS, MARGARET H.	Stenographer	Richmond	Richmond City	Richmond
FARMER, ANLUISE B.	Stenographer	Richmond	Richmond City	Richmond
FARR, PEARL M.	Stenographer	Richmond	Henrico	Richmond
GILL, MINNIE M.	Stenographer	Richmond	Richmond City	Richmond
KING, HJORDIS F.	Stenographer	Richmond	Henrico	Richmond
KRANKOVICH, HELEN L.	Stenographer	Richmond	Richmond City	Richmond
LANE, EMILY PARRENT	Stenographer	Richmond	Henrico	Richmond
MEHARG, EUGENIA B.	Stenographer	Richmond	Richmond City	Richmond
POLLARD, MAE P.	Stenographer	Richmond	Richmond City	Richmond
ROBERTSON, EVELYN VASS	Stenographer	Richmond	Henrico	Richmond
SLAUGHTER, MARGARET M.	Stenographer	Richmond	Henrico	Richmond
VALENTINE, JEAN MILLS	Stenographer	Richmond	Henrico	Richmond
WHITEHEAD, FORD E.	Stenographer	Richmond	Richmond City	Richmond
BROCKMAN, ROSSER H., II	Page	Orange	Orange	Orange
BROWN, THOMAS C., JR.	Page	Blacksburg	Montgomery	Blacksburg
COGGIN, G. THOMAS	Page	Norfolk	Norfolk City	Norfolk
GIVENS, WALTER P.	Page	Richmond	Henrico	Richmond
GRAHAM, JOHN S., III	Page	Richmond	Henrico	Richmond
HAGEN, C. GARLAND	Page	Richmond	Henrico	Richmond
LEMONS, ROBERT A.	Page	Pulaski	Pulaski	Pulaski
NANCE, THOS. WILSON, JR.	Page	Poquoson	York	Yorktown
RAGLAND, ROBERT H., JR.	Page	Richmond	Richmond City	Richmond
ROBERTSON, EDWIN DAVID	Page	Rocky Mount	Franklin	Rocky Mount
WATTS, WILLIS COHOON	Page	Smithfield	Isle of Wight	Smithfield
WITTEN, JAMES A., JR.	Page	Pearisburg	Giles	Pearisburg
KEMP, LEROY H., JR.	Cloakroom Attendant	Richmond	Richmond City	Richmond

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HOUSE OF DELEGATES SEATING ARRANGEMENTS

E. BLACKBURN MOORE, *Speaker*

ADAMS, HOWARD H..... 29
ALLEN, GEO. E., JR..... 54
ANDERSON, HOWARD P..... 37
ANDERSON, MATT G..... 65
ANDREWS, T. COLEMAN, JR. 48
BROWN, EARLE M..... 40
BUCK, FRED C..... 21
BURROWS, HAROLD M. JR... 18
CAMBLOS, J. L..... 43
CANTRELL, ORBY L..... 42
CARLTON, E. TUCKER..... 67
CARNEAL, RUSSELL M..... 63
CHILDRESS, CALVIN H..... 91
CLARK, ROBERT L..... 13
CLEATON, C. WILLIAM..... 51
COCHRAN, GEORGE M..... 33
COHOON, WILLIS E..... 39
COMPTON, E. C..... 49
COOKE, JOHN WARREN..... 55
COYLE, R. ED., SR..... 98
CROSS, CHARLES B., JR..... 93
DALTON, GRADY W..... 95
DANIEL, JOHN H..... 59
DANIEL, W. C..... 72
DAVIS, DELAMATER..... 30
DERVISHIAN, HAROLD H..... 27
EDMUNDS, FELIX E..... 52
ELLIFRITS, W. HOWARD..... 84
ELLIOTT, DR. W. C..... 86
FIDLER, WALTHER B..... 69
FROST, TOM..... 58
FUGATE, JAMES B..... 99
GIESEN, MRS. CHAROTTE C. 100
GLASS, THOMAS R..... 68
GOULDMAN, FRANCIS B..... 75
GREEN, CHAS. E., JR..... 8
GREGORY, KOSSEN..... 24
GWATHMEY, ROBERT R. III 71
GWYN, R. CROCKETT, JR..... 6
HARRELL, LYMAN C., JR..... 12
HILL, GEORGE H..... 57
HOLLAND, SHIRLEY T..... 61
HOOVER, LAWRENCE H..... 7
HOWELL, HENRY E., JR..... 5
HUDGINS, EDWARD M..... 31
HUTCHENS, CHARLES K..... 41
HUTCHERSON, NATHAN B., JR. 87
IRBY, LLEWELLYN H..... 77
JAMES, E. RALPH..... 32
JEWETT, J. J..... 10
LANE, EDWARD E..... 62
LEADBETTER, PARIS I..... 36
LEARY, W. T..... 92
LOCHER, BALDWIN G..... 66
MCDIARMID, MRS. DOROTHY S..... 2
MCMURRAN, LEWIS A., JR. 60
MANN, HARRISON 23
MANNS, PAUL W..... 28
MOODY, WILLARD J..... 20
MOORE, E. BLACKBURN..... 1
MOORE, GARNETT S..... 64
MOXLEY, DR. JOSEPH C..... 79
NEWTON, DR. M. C., SR..... 88
ORR, ROBERT S..... 17
OWENS, STANLEY A..... 11
PECK, JOHN M., JR..... 78
PENDLETON, NAT W..... 74
PENNINGTON, DR. WILLIAM A..... 89
PHILLIPS, LUCAS D..... 73
PHILPOTT, ALBERT L..... 96
PILCHER, THEODORE C..... 47
POFF, JOSEPH H..... 83
POLLARD, FRED G..... 9
POPE, SAMUEL E..... 53
PRICE, C. D..... 14
REYNOLDS, DR. RANDALL O. 94
RICHARDSON, ARTHUR H. 85
ROBERTS, BRADLEY..... 90
ROBERTS, JAMES W..... 85
RUTHERFOORD, JULIAN H., JR. 26
SANDIE, DONALD H., SR..... 82
SATTERFIELD, DAVID E., III 19
SAVAGE, TOY D., JR..... 25
SHREVES, MELVIN L..... 50
SLAUGHTER, D. FRENCH, JR. 56
SMITH, R. MACLIN..... 88
SMITH, VERNON C..... 76
SMITH, W. ROY..... 80
STONE, MRS. KATHRYN H. 3
THOMPSON, LAWRENCE R... 16
THOMPSON, W. CARRINGTON 97
THOMSON, JAMES M..... 46
THURMAN, NELSON R..... 44
WAMPLER, CHAS. W., JR..... 45
WEBB, JOHN C..... 81
WEBBER, H. RAY..... 15
WHITE, PRESSLEY B..... 70
WHITEHEAD, ROBERT..... 4
WILLIAMS, JOSEPH J., JR... 34
WINSTON, WILLIAM L..... 22

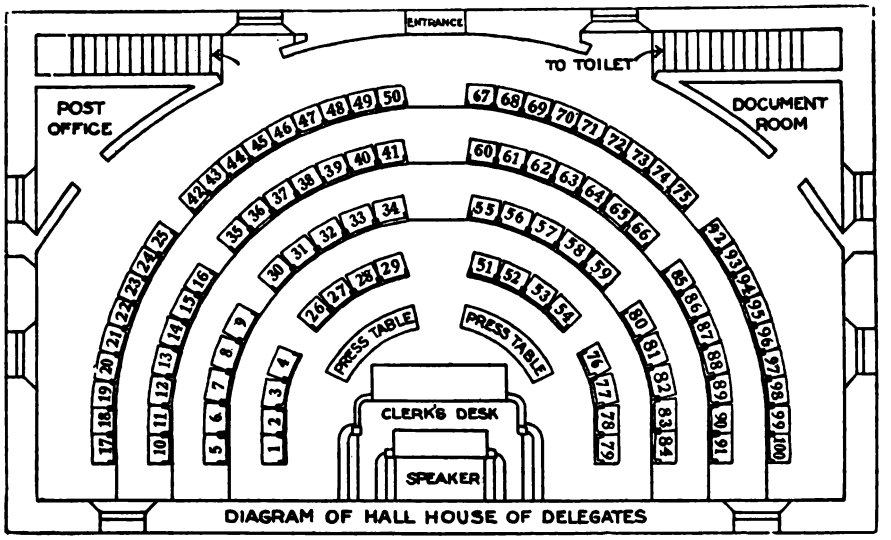

DIAGRAM OF HALL HOUSE OF DELEGATES

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A LIST OF COUNTIES AND CITIES

Showing names and postoffice addresses of their respective Senators and Delegates

COUNTIES	SENATORS	P. O. ADDRESS	DELEGATES	P. O. ADDRESS
Accomack	E. A. AMES, JR.	Onancock	M. L. SHREVES	Bloxom
			H. H. ADAMS	Eastville
Albemarle	E. O. MCCUE, JR.	Charlottesville	E. O. COMPTON	Stanardsville
Alleghany	HALE COLLINS	Covington	H. R. WEBBER	Low Moor
Amelia	C. T. MOSES	Appomattox	L. H. IRBY	Blackstone
Amherst	C. T. MOSES	Appomattox	E. M. BROWN	Lynchburg
Appomattox	C. T. MOSES	Appomattox	DR. W. A. PENNINGTON	Buckingham
Arlington	C. R. FENWICK	Arlington	W. L. WINSTON	Arlington
			HARRISON MANN	Arlington
			MRS. K. H. STONE	Arlington
Augusta	CURRY CARTER	Staunton	G. M. COCHRAN	Staunton
			F. E. EDMUNDS	Waynesboro
Bath	CURRY CARTER	Staunton	B. G. LOCHER	Lexington
Bedford	HALE COLLINS	Covington	C. E. GREEN, JR.	Bedford
Bland	D. W. BIRD	Bland	DR. M. C. NEWTON, SR.	Narrows
Botetourt	HALE COLLINS	Covington	J. M. PECK, JR.	Fincastle
Brunswick	JOS. C. HUTCHESON	Lawrenceville	R. M. SMITH	Kenbridge
Buchanan	H. C. STUART	Elk Garden	V. C. SMITH	Grundy
			R. ED. COYLE, SR.	Haysi
Buckingham	C. T. MOSES	Appomattox	DR. W. A. PENNINGTON	Buckingham
Campbell	M. G. PERROW, JR.	Lynchburg	L. R. THOMPSON	Rustburg
Caroline	T. H. BLANTON	Bowling Green	P. W. MANNS	Bowling Green
Carroll	S. F. LANDRETH	Galax	J. H. POFF	Floyd
Charles City	L. C. BIRD	Richmond	R. M. CARNEAL	Williamsburg
Charlotte	DR. J. D. HAGOOD	Clover	J. H. DANIEL	Charlotte C. H.
Chesterfield	L. C. BIRD	Richmond	E. M. HUDGINS	Richmond
			J. J. JEWETT	Midlothian
Clarke	H. F. BYRD, JR.	Winchester	E. B. MOORE	Berryville
Craig	HALE COLLINS	Covington	J. M. PECK, JR.	Fincastle
Culpeper	R. Y. BUTTON	Culpeper	D. F. SLAUGHTER, JR.	Culpeper
Cumberland	C. T. MOSES	Appomattox	DR. W. A. PENNINGTON	Buckingham
Dickenson	M. M. LONG	St. Paul	R. ED. COYLE, SR.	Haysi
Dinwiddie	J. H. TEMPLE	Petersburg	A. H. RICHARDSON	Dinwiddie
			W. R. SMITH	Petersburg
Essex	T. H. BLANTON	Bowling Green	P. W. MANNS	Bowling Green
Fairfax	J. A. K. DONOVAN	Falls Church	MRS. D. S. MCDIARMID	Rt. 4, Vienna
			J. C. WEBB	Fairfax
Fauquier	R. Y. BUTTON	Culpeper	TOM FROST	Warrenton
Floyd	S. F. LANDRETH	Galax	J. H. POFF	Floyd
Fluvanna	E. O. MCCUE, JR.	Charlottesville	MATT G. ANDERSON	Oilville
Franklin	JAMES C. TURK	Radford	N. B. HUTCHERSON, JR.	Rocky Mount
Frederick	H. F. BYRD, JR.	Winchester	E. B. MOORE	Berryville
Giles	D. W. BIRD	Bland	DR. M. C. NEWTON, SR.	Narrows
Gloucester	FRED W. BATEMAN	Newport News	J. W. COOKE	Mathews
Goochland	H. H. PURCELL	Louisa	MATT G. ANDERSON	Oilville
Grayson	S. F. LANDRETH	Galax	DR. J. C. MOXLEY	Independence
Greene	E. O. MCCUE, JR.	Charlottesville	E. C. COMPTON	Stanardsville
Greensville	GARLAND GRAY	Waverly	L. C. HARRELL, JR.	Emporia
Halifax	DR. J. D. HAGOOD	Clover	H. P. ANDERSON	Halifax
Hanover	T. H. BLANTON	Bowling Green	R. R. GWATHMEY, III	Hanover
Henrico	L. C. BIRD	Richmond	J. J. WILLIAMS, JR.	Sandston
			J. J. JEWETT	Midlothian
Henry	W. F. STONE	Martinsville	R. L. CLARK	Stuart
	L. R. WYATT	Danville	A. L. PHILPOTT	Bassett
Highland	CURRY CARTER	Staunton	F. E. EDMUNDS	Waynesboro
			G. M. COCHRAN	Staunton

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Counties	Senators	P. O. Address	Delegates	P. O. Address
Isle of Wight	M. E. Godwin, Jr.	Suffolk	S. T. Holland	Windsor
James City	Fred W. Bateman	Newport News	R. M. Carneal	Williamsburg
King George	B. T. Newton	Hague	P. W. Manns	Bowling Green
King and Queen	T. H. Blanton	Bowling Green	P. W. Manns	Bowling Green
King William	T. H. Blanton	Bowling Green	R. R. Gwathmey, III	Hanover
Lancaster	B. T. Newton	Hague	W. B. Fidler	Sharps
Lee	J. Hubert Wheeler	Ewing	Robert S. Orr	Rt. 1, Dryden
Loudoun	R. Y. Button	Culpeper	L. D. Phillips	Leesburg
Louisa	H. H. Purcell	Louisa	M. G. Anderson	Oilville
Lunenburg	Jos. C. Hutcheson	Lawrenceville	R. M. Smith	Kenbridge
Madison	E. O. McCue, Jr.	Charlottesville	D. F. Slaughter, Jr.	Culpeper
Mathews	Fred W. Bateman	Newport News	J. W. Cooke	Mathews
Mecklenburg	Jos. C. Hutcheson	Lawrenceville	C. W. Cleaton	South Hill
Middlesex	T. H. Blanton	Bowling Green	J. W. Cooke	Mathews
Montgomery	James C. Turk	Radford	Mrs. Charlotte C. Giesen	Radford
Nansemond	M. E. Godwin, Jr.	Suffolk	W. E. Cohoon	Suffolk
			S. T. Holland	Windsor
Nelson	C. T. Moses	Appomattox	R. Whitehead	Lovingston
New Kent	Fred W. Bateman	Newport News	R. M. Carneal	Williamsburg
Norfolk	G. F. Marsh	Portsmouth	C. B. Cross, Jr.	Portsmouth
			W. T. Leary	Portsmouth
Northampton	E. A. Ames, Jr.	Onancock	H. H. Adams	Eastville
Northumberland	B. T. Newton	Hague	W. B. Fidler	Sharps
Nottoway	J. H. Temple	Petersburg	L. H. Irby	Blackstone
Orange	H. H. Purcell	Louisa	D. F. Slaughter, Jr.	Culpeper
Page	G. S. Aldhizer, II	Broadway	C. D. Price	Stanley
Patrick	W. F. Stone	Martinsville	R. L. Clark	Stuart
	L. R. Wyatt	Danville	A. L. Philpott	Bassett
Pittsylvania	W. F. Stone	Martinsville	W. C. Thompson	Chatham
	L. R. Wyatt	Danville	Dr. R. O. Reynolds	Chatham
Powhatan	C. T. Moses	Appomattox	L. H. Irby	Blackstone
Prince Edward	Dr. J. D. Hagood	Clover	J. H. Daniel	Charlotte C. H.
Prince George	Garland Gray	Waverly	P. I. Leadbetter	Hopewell
Prince William	B. T. Newton	Hague	S. A. Owens	Manassas
Princess Anne	E. A. Ames, Jr.	Onancock	P. B. White	Virginia Beach
Pulaski	D. W. Bird	Bland	G. S. Moore	Pulaski
Rappahannock	G. S. Aldhizer, II	Broadway	Tom Frost	Warrenton
Richmond	B. T. Newton	Hague	W. B. Fidler	Sharps
Roanoke	James C. Turk	Radford	N. R. Thurman	Vinton
Rockbridge	Hale Collins	Covington	B. G. Locher	Lexington
Rockingham	G. S. Aldhizer, II	Broadway	L. H. Hoover	Harrisonburg
			C. W. Wampler, Jr.	Harrisonburg
Russell	H. C. Stuart	Elk Garden	Dr. W. C. Elliott	Lebanon
Scott	J. Hubert Wheeler	Ewing	J. B. Fugate	Gate City
Shenandoah	H. F. Byrd, Jr.	Winchester	W. H. Ellifrits	Strasburg
Smyth	Thomas C. Phillips	Abingdon	R. C. Gwyn, Sr.	Marion
Southampton	M. E. Godwin, Jr.	Suffolk	S. E. Pope	Drewryville
Spotsylvania	H. H. Purcell	Louisa	F. B. Gouldman	Fredericksburg
Stafford	B. T. Newton	Hague	S. A. Owens	Manassas
Surry	Garland Gray	Waverly	P. I. Leadbetter	Hopewell
Sussex	Garland Gray	Waverly	L. C. Harrell, Jr.	Emporia
Tazewell	H. C. Stuart	Elk Garden	G. W. Dalton	Richlands
Warren	G. S. Aldhizer, II	Broadway	C. D. Price	Stanley
Washington	Thomas C. Phillips	Abingdon	Bradley Roberts	Bristol
			F. C. Buck	Abingdon
Westmoreland	B. T. Newton	Hague	W. B. Fidler	Sharps
Wise	M. M. Long	St. Paul	J. L. Camblos	Big Stone Gap
			O. L. Cantrell	Pound
Wythe	D. W. Bird	Bland	N. W. Pendleton	Wytheville
York	Fred W. Bateman	Newport News	R. M. Carneal	Wiliamsburg

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Cities	Senators	P. O. Address	Delegates	P. O. Address
Alexandria	A. L. Boothe	Alexandria	J. M. Thomson	Alexandria
Bristol	Thos C. Phillips	Abingdon	Bradley Roberts	Bristol
			F. C. Buck	Abingdon
Buena Vesta	Hale Collins	Covington	B. G. Locher	Lexington
Charlottesville	E. O. McCue, Jr.	Charlottesville	H. M. Burrows, Jr.	Charlottesville
Clifton Forge	Hale Collins	Covington	H. R. Webber	Low Moor
Colonial Heights	L. C Bird	Richmond	E. M. Hudgins	Richmond
			J. J. Jewett	Midlothian
Covington	Hale Collins	Covington	H. R. Webber	Low Moor
Danville	W. F. Stone	Martinsville	W. C. Daniel	Danville
	L. R. Wyatt	Danville		
Falls Church	J. A. K. Donovan	Falls Church	Mrs. D. S. McDiarmid	Rt. 4, Vienna
			J. C. Webb	Fairfax
Fredericksburg	H. H. Purcell	Louisa	F. B. Gouldman	Fredericksburg
Galax	S. F. Landreth	Galax	Dr. J. C. Moxley	Independence
			J. H. Poff	Floyd
Hampton	V. P. Wilson	Hampton	E. R. James	Hampton
Harrisonburg	G. S. Aldhizer, II	Broadway	L. H. Hoover	Harrisonburg
			C. W. Wampler, Jr.	Harrisonburg
Hopewell	Garland Gray	Waverly	P. I. Leadbetter	Hopewell
Lynchburg	M. G. Perrow, Jr.	Lynchburg	T. R. Glass	Lynchburg
			E. M. Brown	Lynchburg
Martinsville	W. F. Stone	Martinsville	R. L. Clark	Stuart
	L. R. Wyatt	Danville	A. L. Philpott	Bassett
Newport News	V. P. Wilson	Hampton	C. K. Hutchens	Newport News
	Fred W. Bateman	Newport News	L. A. McMurran, Jr.	Newport News
			G. H. Hill	Newport News
Norfolk	E. L. Breeden, Jr.	Norfolk	Delamater Davis	Norfolk
	R. F. Baldwin	Norfolk	T. C. Pilcher	Norfolk
			J. W. Roberts	Norfolk
			T. D. Savage, Jr.	Norfolk
			C. H. Childress	Norfolk
			H. E. Howell, Jr.	Norfolk
Norton	M. M. Long	St. Paul	J. L. Camblos	Big Stone Gap
			O. L. Cantrell	Pound
Petersburg	J. H. Temple	Petersburg	A. H. Richardson	Dinwiddie
			W. R. Smith	Petersburg
Portsmouth	W. B. Spong, Jr.	Portsmouth	D. H. Sandie, Sr.	Portsmouth
			W. J. Moody	Portsmouth
Radford	James C. Turk	Radford	Mrs. Charlotte C. Giesen	Radford
Richmond	FitzGerald Bemiss	Richmond	G. E. Allen, Jr.	Richmond
	Dr. E. E. Haddock	Richmond	T. Coleman Andrews, Jr.	Richmond
	E. E. Willey	Richmond	E. T. Carlton	Richmond
			E. E. Lane	Richmond
			F. G. Pollard	Richmond
			H. H. Dervishian	Richmond
			David E. Satterfield, III.	Richmond
Roanoke	W. B. Hopkins	Roanoke	J. H. Rutherfoord, Jr.	Roanoke
			Kossen Gregory	Roanoke
South Norfolk	G. F. Marsh	Portsmouth	C. B. Cross, Jr.	Portsmouth
			W. T. Leary	Portsmouth
Staunton	Curry Carter	Staunton	G. M. Cochran	Staunton
			F. E. Edmunds	Waynesboro
Suffolk	M. E. Godwin, Jr.	Suffolk	W. E. Cohoon	Suffolk
			S. T. Holland	Windsor
Virginia Beach	E. A. Ames, Jr.	Onancock	P. B. White	Virginia Beach
Waynesboro	Curry Carter	Staunton	F. E. Edmunds	Waynesboro
			G. M. Cochran	Staunton
Williamsburg	Fred W. Bateman	Newport News	R. M. Carneal	Williamsburg
Winchester	H. F. Byrd, Jr.	Winchester	E. B. Moore	Berryville

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LIST OF BILLS APPROVED SHOWING CHAPTER NUMBERS

HOUSE

H. B. No.	Chap. No.	H. B. No.	Chap. No.	H. B. No.	Chap. No.
1	604	108	40	213	80
2	35	110	398	214	81
3	193	111	356	215	272
5	148	113	399	216	273
7	188	116	18	217	56
9	73	117	204	219	159
10	20	118	234	221	412
11	22	119	235	223	53
12	23	120	100	226	413
14	74	122	67	228	82
15	7	123	47	232	205
17	2	124	41	233	141
19	13	125	48	234	414
20	610	126	111	236	69
23	24	127	31	237	219
26	149	128	213	238	415
27	232	133	400	239	416
29	62	136	79	240	239
31	63	138	401	241	116
32	64	139	402	242	417
34	25	140	194	244	418
35	46	143	403	245	477
36	140	148	404	247	83
37	36	149	49	249	102
38	55	150	405	250	103
39	14	151	406	251	478
40	233	155	101	253	142
42	390	157	153	254	347
44	8	158	42	256	84
45	391	159	4	257	104
46	75	160	68	258	240
49	26	161	195	260	85
50	37	163	43	263	419
51	15	164	112	264	143
53	392	169	154	266	127
54	393	171	236	267	128
55	38	172	126	268	70
56	9	173	50	269	160
57	39	176	214	270	479
60	394	178	237	271	117
61	27	179	215	272	206
62	28	180	216	273	207
66	395	182	238	276	480
67	16	184	51	277	197
69	76	186	44	278	481
70	77	187	196	279	267
71	78	188	407	280	161
73	150	189	52	283	482
77	152	191	217	284	118
78	151	192	408	285	162
79	396	193	155	286	163
81	65	195	113	288	483
83	29	196	114	289	144
92	109	197	409	290	164
95	17	199	156	291	241
96	397	200	157	294	220
98	21	204	410	295	57
99	605	207	115	296	165
101	66	208	158	297	484
102	30	209	45	298	485
103	110	210	218	299	486
104	203	212	411	301	487

SENATE

S. B. No.	Chap. No.	S. B. No.	Chap. No.	S. B. No.	Chap. No.
1	358	110	133	212	440
2	359	112	134	218	202
3	360	113	385	219	339
4	361	114	386	220	147
5	362	115	387	222	441
7	363	116	423	223	442
8	364	117	33	225	816
9	365	119	330	226	317
11	366	121	424	227	443
12	367	123	135	228	95
13	368	124	136	229	444
14	369	125	72	230	340
15	370	126	91	232	318
16	371	127	54	233	319
17	372	128	425	234	445
18	373	129	308	235	446
19	374	130	426	236	320
20	375	131	92	237	447
21	376	132	93	238	448
26	603	138	427	240	341
27	377	140	428	241	321
28	304	141	429	242	449
29	378	142	430	244	450
30	10	143	431	245	342
31	132	144	265	247	322
32	11	145	309	249	451
33	12	146	310	250	452
35	379	147	331	256	343
37	5	148	432	258	453
42	380	149	266	259	323
43	1	151	311	260	454
44	182	152	34	261	455
46	6	153	61	262	456
47	87	155	231	270	344
48	381	156	332	272	457
49	3	158	137	274	324
50	305	165	433	275	96
51	71	166	327	278	458
52	382	167	434	279	459
53	58	172	138	283	460
54	108	173	388	284	461
57	59	175	435	285	462
58	328	179	333	286	345
59	88	180	334	293	463
61	89	181	436	296	346
62	383	182	185	297	464
64	306	183	186	304	465
65	183	184	335	307	466
67	32	185	312	308	467
68	307	186	192	310	389
69	90	187	187	311	468
70	260	188	336	313	469
78	384	189	337	314	325
85	230	196	313	321	470
86	60	197	338	325	326
87	329	200	314	326	471
92	184	201	437	334	472
94	19	203	94	339	97
100	261	205	315	340	98
104	262	206	438	341	99
105	263	208	139	342	473
109	264	210	439	343	474

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LIST OF BILLS APPROVED SHOWING CHAPTER NUMBERS—CONTINUED

HOUSE						SENATE					
H. B. No.	Chap. No.	H. B. No.	Chap. No.	H. B. No.	Chap. No.	S. B. No.	Chap. No.	S. B. No.	Chap. No.	S. B. No.	Chap. No.
302	166	410	175	520	527	344	475				
303	167	411	504	521	255	345	476				
304	488	415	505	522	528	346	271				
305	168	418	506	523	529						
306	489	419	607	524	530						
307	242	420	247	525	229						
308	208	421	275	526	531						
310	490	422	507	527	285						
311	169	423	248	529	532						
312	221	424	349	533	357						
313	209	425	226	535	533						
315	420	426	508	536	534						
316	119	427	608	537	256						
317	120	428	509	539	535						
318	121	429	249	544	270						
319	122	430	176	545	536						
320	123	431	199	546	537						
321	243	432	510	547	538						
324	491	433	276	548	539						
326	492	435	200	550	540						
328	268	436	511	551	541						
329	105	437	177	554	542						
331	145	438	178	555	543						
332	493	439	201	556	544						
333	222	440	179	558	545						
334	198	443	146	559	546						
335	170	453	250	562	257						
337	494	454	512	563	421						
338	210	455	513	566	286						
339	244	456	277	568	547						
340	269	458	514	569	548						
342	86	460	227	570	549						
343	124	461	251	571	550						
344	223	462	515	572	351						
346	495	464	278	573	551						
348	496	465	516	574	552						
350	211	466	180	576	553						
351	245	467	252	577	554						
353	497	471	228	580	555						
355	498	472	517	581	258						
358	224	473	518	582	259						
360	171	474	279	584	352						
361	106	475	519	586	287						
364	172	476	520	589	556						
365	189	482	253	590	288						
368	499	483	521	593	289						
371	212	484	254	594	557						
373	500	485	190	595	290						
379	501	486	522	597	291						
381	502	487	523	598	558						
382	129	491	280	599	292						
383	130	497	107	600	293						
390	348	499	281	601	294						
392	173	502	181	602	559						
394	606	505	191	606	560						
396	174	506	350	609	295						
399	503	508	282	611	561						
400	131	513	283	615	563						
401	125	514	524	616	564						
406	246	515	525	618	565						
408	274	518	284	619	566						
409	225	519	526	620	567						

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LIST OF BILLS APPROVED SHOWING CHAPTER NUMBERS—CONTINUED

HOUSE						SENATE					
H. B. No.	*Chap. No.*	*H. B. No.*	*Chap. No.*	*H. B. No.*	*Chap. No.*	*S. B. No.*	*Chap. No.*	*S. B. No.*	*Chap. No.*	*S. B. No.*	*Chap. No.*
621	568	656	582	686	572						
626	590	657	300	688	573						
628	296	664	583	690	574						
629	591	665	584	691	575						
630	592	666	609	693	576						
633	593	667	585	694	303						
636	594	668	586	697	355						
641	297	670	301	698	422						
642	595	671	587	702	577						
645	353	672	302	703	578						
646	596	673	588	710	579						
648	597	677	354	718	598						
649	580	678	589	721	599						
650	298	680	569	722	600						
651	299	681	570	731	601						
653	581	683	571	733	602						

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SUMMARY OF BILLS

Introduced in the House	733	Passed both houses	426
Introduced in the Senate	346	Passed both houses	193
Total	1079	Total	619

Vetoed by the Governor	4
Failed to become law because not approved by the Governor	5
Bills enacted into law	610
Joint Resolutions to amend the Constitution of Virginia	5
Chapters	615

Vetoed

H. B. 28 Virginia Educational Television Commission.
Could be administered by Department of Education.

H. B. 167 Charter of Charlottesville, requiring referendum on accepting terms of annexation.
Contravenes Sec. 126 of the Constitution.

H. B. 261 Changing terms of Trustees of Jamestown Foundation.
Contrary to intent of the law.

H. B. 613 Powers of certain cities levying tax rates on real estate.
Violates Sec. 168 of the Constitution.

H. B. 647 Reexamination for veterinary medicine and surgery.
Contrary to statute.

S. B. 84 Exempting certain property from taxation.
Repugnant to Sec. 183 of the Constitution.

S. B. 96 Museum of Fine Arts to transfer The Gari Melchers Memorial property for benefit of Mary Washington College.
Covered by Ch. 51 (H. B. 184).

S. B. 292 Tax on recordation of evidences of liens on personal property.
Vetoed at request of patron.

S. B. 294 Sale of public school property.
Diversion of school funds.

H. B. 20 Appropriation Act
Items vetoed: 518, 526, 783a, 800, and 833.

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INDEX

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ERRATA

Ch. 56, p. 59, 3rd line of § 23-49.1, "Petersbury" should be "Petersburg".
Ch. 147, p. 157, approval date should be March 3, 1960.
Ch. 202, p. 213, approval date should be March 8, 1960.
Ch. 260, p. 327, 1st line, "Departmnt" should be "Department".
Ch. 267, p. 333, "§ 18.329.1" should be "§ 18-329.1".
Ch. 482, p. 733, subsection (9), second line after the word "city", strike out "or county".

Page

ACCOMACK COUNTY
Clerk's office closing on county holidays, amending § 17-41 30
Supervisors, clerk of board, compensation, amending § 15-239 107
Supervisors, compensation, amending § 14-56.1 191

ACCOUNTANTS
See PUBLIC ACCOUNTANTS

ACCOUNTING AND BOOKKEEPING
Directing VALC to study laws relating, H. J. R. 48 1079

ACKNOWLEDGMENTS
Validating certificates prior to 2/1/60 taken by notaries in foreign countries, amending § 55-130 351

ACTIONS AND SUITS
Actions and suits on behalf of infants, idiots or insane, compromise, including claims under provisions of an automobile insurance policy, amending § 8-169 358
Actions for personal injury to infant, idiot or insane, compromise to include claims under the provisions of an automobile insurance policy, amending § 8-170 359
Actions on contracts, defendant filing affidavit denying claim with motion for judgment or civil warrant, continuance, amending § 8-511 667
Death by wrongful act, compromise of claim by personal representative, deleting as to consent of persons entitled to damages, amending § 8-639 43
Death by wrongful act, compromise to include claims under the provisions of an automobile insurance policy, amending § 8-639 895
Recovery from parents of minors for wilful destruction of public property 135
Suits to enforce lien of judgment against lands conveyed by judgment debtor to grantee, recordation of notice of lis pendens, amending § 8-393 345
Witnesses, contradiction by prior inconsistent writing, exceptions as to action on an insurance policy for personal injury or death by wrongful act, amending § 8-298 124

ACTS OF ASSEMBLY
Effective date 1076

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Page

ADMINISTRATIVE AGENCIES
Excluding within provisions "Commission of Game and Inland Fisheries", copies of regulations of Commission to be filed with Division of Statutory Research and Drafting, amending §§ 9-6.2, 29-126 846

ADOPTION
Local boards, authority to place for adoption and consent, amending §§ 16.1-178, 63-73, 63-241, 63-351 392

AGRICULTURE
Appropriation to Department for control of disease attacking soybeans 202
Creating commission to study methods and formulae used by those grading lambs, calves and hogs sold for commercial purposes, S. J. R. 17 1088
Electric fences, unlawful use on land used for agricultural purposes, defining 593
Ice cream and other frozen products, how long pasteurized mix may be kept before freezing, amending § 3-451.14 320
Livestock auction markets and stockyards, no bonds to accompany licenses of those operating under certain U.S. regulations, amending § 3-541 318
Stock and poultry feed, substituting "materials" for "feeds", and including those used for feeding aquatic creatures and birds other than poultry, amending § 3-619 350
Va. Insecticide, Fungicide and Rodenticide Law, terms, ingredient statement, labels, etc., amending §§ 3-205, 3-208.1, 3-208.7, 3-208.22, 3-208.31, adding §§ 3-203.1, 3-203.2, 3-208.8:1 842

AIRPORT DISTRICT OF BATH COUNTY
Creating as political subdivision 661

ALBEMARLE COUNTY
County executive, powers, serving on local welfare board, amending §§ 15-285, 15-290 804
Squirrel season, repealing 1948 Act and amendments 23
Traveling expenses of persons traveling on business of county, amending § 14-5.2 210

ALCOHOLIC BEVERAGES
Excise tax on beer and 3.2 beverages, increasing, amending §§ 4-40, 4-108 633
Identification cards to persons between 18 and 25 as to beverages of not more than 3.2%, signing of statements by nonresidents, adding § 4-112.2 940
Identification cards to persons between 21 and 25, and entitled to purchase, adding § 4-73.1 941
Importation under customs bonds and persons operating U. S. customs bonded warehouses, amending § 4-85 117
License taxes on manufacture and sale, increasing, amending §§ 4-33, 4-104 733
Net profits, apportioned by Comptroller and distributed by warrants of Comptroller, amending § 4-22 118
Sales tax, including wine, imposition, collection, use of proceeds, adding § 4-15.1 609

ALEXANDRIA
Charter, amending 14

ALLEGHANY COUNTY
Supervisors, special meetings, notice of not less than 24 hours, amending § 15-243 655

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Page

AMELIA COUNTY
Banks closing on Saturday, amending § 2-20.1 29
Clerk of court, allowances, amending § 14-163.1 348
Supervisors, clerk of board, compensation, amending § 15-239 107

AMHERST COUNTY
Banks closing on Saturday, amending § 2-20.1 29
Public water supplies, expenditures for providing sources, amending Ch. 18, Ex. 1959 Acts 806
Supervisors, compensation, amending § 14-56.1 191

AMUSEMENT PARKS
License taxes on permanent amusement parks, no separate license tax on certain coin-operated devices, amending § 58-268 384

ANNEXATION
Cases in which whole county must be annexed, computation of area shall exclude property owned by U. S., amending § 15-152.26 827
Proceedings, payments by city or town to carrier of passengers by motor bus who is party to said proceedings, amending § 15-152.12 855
Proceedings, vacancies on the court during trial, continuing judge of circuit court of the county, amending § 15-152.9 731
Richmond-Henrico Metropolitan Area Commission, creating 893

APPEALS, WRITS OF ERROR AND SUPERSEDEAS
Posting bond by a garnishee or other person indebted to person against whom a judgment has been obtained pending appeal to Supreme Court, adding § 8-477.1 359

APPOMATTOX COUNTY
Doe deer, prohibiting killing from July 1, 1960 to June 30, 1962 18

APPRENTICES
Definition and agreements as to amount of instruction, amending §§ 40-126, 40-127 401

APPROPRIATION ACT—Biennium 1960-1962 944
§ 1. General Fund sources
§ 2. Current and previous bienniums
§ 3. Recurring Maintenance and Operation, Items 1-486b
§ 4. Deficit authorization, non-recurring maintenance and operation, and contingency items, Items 487-519
§ 5. Capital Outlay Appropriations, Items 520-924, Section 17
§§ 6-47. Miscellaneous Provisions
Accountancy Board, payment into general fund, Sections 11, 21e
Accounts, Department of, Items 65-77, 530
Aging, Commission, Item 57
Agricultural Research and Education Commission, Item 157
Agriculture and Immigration, Department of
Agriculture and Immigration, Board of, Items 126-152, 507, 558-563, Sections 20, 21a
Lime Grinding Plant (Appomattox), Item 156
Lime Grinding Plant (Staunton), Items 153-155
Apple Commission, Virginia, Item 158
Payment into general fund, Section 21a-g
Research and Education Commission, Item 157
Virginia Bright Flue-Cured Tobacco Commission, Item 159
Alcoholic Beverage Control, Department of
Administration, Item 125, Section 24
Anatomical Board, payment into general fund, Sections 11, 21e
Appropriations from donations, gifts, Federal grants, special revenue, Sections 14, 15
Architects, Engineers and Surveyors, Examining Board
Payment into general fund, Sections 11, 21e
Art Commission, Item 58

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APPROPRIATION ACT—Biennium 1960-1962—Continued
Athletic Commission, Items 475, 476
Atlantic Rural Exposition, Inc., Item 484
Atlantic States Marine Fisheries Commission, Item 204
Auditing Committee of General Assembly, Item 2
Auditor of Public Accounts, Item 59, Sections 21g, 44
Automobiles, purchase on behalf of State, Section 29
Bar Examiners, Item 468
Barter Theater, Item 486a, Section 40
Breaks Interstate Park Commission, Items 199, 578-587
Budget Division, Items 35-40, 525-529, Sections 38, 39
Central Garage, Item 220
Certified Seed Commission, Item 453
Civil Air Patrol, Item 486
Civil Defense, Items 32-34
Civil War Commission, Items 502, 512-515, 576, 577
Coal production emergency, Item 30
Code Commission, Items 5, 490
Collecting Old Claims, Item 66
Collections by local officers, cost credited general fund, Section 21g
Compensation Board, Items 78, 491a
Comptroller, payments, Sections 6, 7
Confederate Museum, at Richmond, Item 479, Section 40
Confederate Pensions, Item 68
Conservation and Economic Development, Department of, Items 167-190, 494, 508-510, 566-573d, Section 21a
Constitutional Government Commission, Item 56
Constitutionality of Act, Section 45
Contractors, Registration Board, Item 477, Sections 11, 21e
Corporations, Department of
Corporation Commission, State, Items 104-109, Sections 21d, 24
Aviation, Item 106
Banking, Bureau of, Item 108
Insurance, Bureau of, Item 109
Increase by Governor in appropriations, Section 12
Motor Vehicle carriers, Item 107
Payments into general fund, Section 21d
Deaf and the Blind, Virginia School for the, at Staunton, Items 406, 407, 501, 802-808, Section 35
Deficit Authorizations, Section 16
Dental Examiners, Item 469, Sections 11, 21e
Donations, Gifts and Federal Grants
Expenditures from proceeds with approval of Governor, Sections 13, 14
Education, Department of
Advertising by State institutions of higher learning, Section 25
Education, State Board of, Items 355-389, 499, 518-519
Local public school construction, Item 519
Woodrow Wilson Rehabilitation Center, Items 390, 753a
Literary Fund, Item 518
Longwood College, at Farmville, Items 400, 401, 773-783a
Madison College, at Harrisonburg, Items 402, 403, 784-795
Museum of Fine Arts, Virginia, Items 349-353
New activities by State institutions of higher learning, Sections 27, 28
State Council of Higher Education, Item 408
Student loan funds, Sections 31, 32
Virginia State College, at Petersburg, Items 391-397, 500, 754-765a
Norfolk Division, Items 398, 399, 766-772a
Virginia State School, at Newport News, Items 404, 405, 796-801
Effective Date of Act, July 1, 1960, Section 47
Elections, State Board, Item 31
Employment Commission, Items 117-124
Executive Department
Budget, Division of, Items 35-40, 525-529
Approval of quarterly allocations and rates of pay by the Director of the Division of the Budget, Section 9
Defense, State and local, Items 32-34
Fisheries, Commission of, Items 200-202, 588, Section 21a
Fisheries Laboratory, Virginia, Items 205, 206, 589-597b

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APPROPRIATION ACT—Biennium 1960-1962—Continued
Forest Products Tax Fund, Section 24
Funeral Directors and Embalmers, Item 470, Sections 11, 21e
Game and Inland Fisheries, Commission of, Items 207-209, 598-605
General Assembly, Item 1
General Fund, sources, Section 1
Governor, Items 24-30, 503-506, 520-524
Appropriations, reducing within revenues, exceptions, Sections 9, 10
Discretionary Fund, Item 25
Increasing Appropriations, Sections 11-13
Quarterly allotments, Section 39
Regional Planning, Item 26
Salaries, approval, Section 38
Transfer of prison labor or farm commodities, Section 34
Governor's Office
Adjusting pay of State employees, Item 503
Appropriations, increase, Sections 11-13
Appropriations, use of for employee training, Section 33
Appropriations to miscellaneous activities, how controlled, Section 40
Automobiles privately owned, compensation for use of on State business, Section 30
Automobiles, purchase, transfer and use, Sections 29-30
Capital Outlay, Items 521-524, Section 17
Compensation of State officers and employees, Section 38
Deficit only with consent of Governor, Section 16
Departments, institutions or agencies exceeding appropriations, Section 16
Expenditure of capital outlay appropriations, examination of architectural and engineering plans and specifications, Section 17
Financial statements by public officers, Section 44
Grounds and Buildings, Items 525-529
Improvements to State-owned land, Item 521
Nurse Training, Item 524
Payments by Comptroller, Section 42
Per diem allowance in lieu of actual expenses for subsistence, Governor may regulate, Section 30
Personnel, Division of, Administration, Item 41
Merit System Council, Item 42
Prevention by Governor of deficit in General Fund of State Treasury, Section 9
Purchasing real estate and improvements, Item 520
Reappropriations, Item 924
Rental payments by certain departments, Sections 18, 23
Retirement System, Virginia Supplemental, Items 43-55
Southern Regional Education Board, Item 27
Special fund transfers for purchase or construction of office or storage buildings, Section 18
Transfer and control of appropriations, Sections 7, 8
Traveling expenses of State officials and employees, restrictions, Section 30
Gunston Hall, Board of Regents, Items 192, 193
Health, Department of
Fees or per diem collected by hospitals, Section 21c
State Board of Health, Items 221-257, 495, 516, 606, Section 21a
Blue Ridge Sanatorium, at Charlottesville, Items 258, 259, 607, Section 36
Catawba Sanatorium, near Salem, Items 260, 261, 608, Section 36
Piedmont Sanatorium, at Burkeville, Items 262, 263, 609-612, Section 36
Transfer of appropriations, Section 8
Highways, Department of
Highway Commission, State, Items 210-219
Central Garage, Item 220
Historic Richmond Foundation, Item 511
Historical Society, Virginia
Battle Abbey, at Richmond, Item 478
Home for Incurables, at Richmond, Virginia, Item 483, Section 40

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APPROPRIATION ACT—Biennium 1960-1962—Continued
Home for Needy Confederate Women, Section 40
Inconsistent acts repealed, Section 46
Insurance Policy Proceeds
Expenditure with approval of Governor, Section 13
Interstate Cooperation Commission, Item 6
James Monroe Memorial Foundation, Item 511b
Jamestown Festival Park, Items 198, 574, 575, Section 21
Judicial Department
Circuit Courts, Item 12
City Courts, Item 14
Corporation or Hustings Courts, Item 13
Judicial Council, Item 18
Law, Department of, Items 19-23, Section 24
Attorney General, Items 19-23
Motion Picture Censorship, Division of, Item 21, Section 21a
Uniformity of Legislation, Item 23
War Veterans' Claims, Division of, Item 22
Retirement of Justices and Judges, Items 15-16
Supreme Court of Appeals, Items 8-11
Uniformity of Legislation in the United States, Commissioners for the Promotion of, Items 23, 487
Virginia State Bar, Item 17
Labor and Industry, Department of, Items 110-115, 557, Section 21a
Law Examiners, Item 468, Sections 11, 21e
Legislative Department
Advisory Legislative Council, Virginia, Item 4
Auditing Committee of the General Assembly, Item 2
Code Commission, Virginia, Item 5
House of Delegates, Item 1
Interstate Cooperation, Virginia Commission on, Item 6
Senate, Item 1
Statutory Research and Drafting, Division of, Item 3
Veterans' Affairs, Commission on, Item 7
Library, Virginia State, Items 344-348, 517
Lime Grinding Plant, Appomattox, Item 156
Lime Grinding Plant, Staunton, Items 153-155
Limited continuation of appropriations, Section 43
Literary Fund, Item 518
Local Debt, State Commission on, Item 60
Lunatics in jails and in charge of private persons, Item 67
Mansion operation and maintenance, Item 28
Meals of State employees at State institutions, Section 36
Medical College of Virginia, at Richmond
College Division, Items 417-425, 834-841b
Hospital Division, Items 426-427, 842-851a, Section 21a
Medical Examiners, Item 473, Sections 11, 21e
Mental Hygiene and Hospitals, Dept. of, Items 327-343
Hospital Board, State, Items 327-332, 694
Central State Hospital, at Petersburg, Items 332b-333, 695-703, Sections 11, 21f
Children Treatment Center, Items 332a, 694
DeJarnette State Sanatorium, at Staunton, Items 341, 735-737
Eastern State Hospital, at Williamsburg, Items 335-336, 712-719, Sections 11, 21f
Increase by Governor in appropriations to certain institutions, Sections 11, 21e, 21f
Lynchburg Training School and Hospital, Items 342, 343, 497, 738-751, Sections 11, 21f
Petersburg Training School and Hospital, Items 334, 704-711, Sections 11, 21f
Southwestern State Hospital, at Marion, Items 337, 338, 496, 720-726, Sections 11, 21f
Transfer of appropriations, Section 8
Transfer of farm commodities, Section 34
Western State Hospital, at Staunton, Items 339, 340, 727-734, Sections 11, 21f
Refund of heating plant expenses to Western State Hospital by Virginia School for the Deaf and Blind, Section 35

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APPROPRIATION ACT—Biennium 1960-1962—Continued
Merit System Council, Item 42
Military Affairs, Department of, Items 102, 103, 553-556
Milk Commission, Items 161-162, Section 24
Mines, Board of Examiners
Payment into general fund, Sections 11, 21e
Motion Picture Censorship, Item 21, Section 21a
Limit on use of funds for production of films by State agencies, Section 26
Motor Vehicles, Division of, Items 81-92, 531-532, Section 24
Motor Vehicle tax proceeds, Section 24
Museum of Fine Arts, Virginia, Items 349-353, 752, 753
Non-State Agencies, appropriations, Section 40
Nurses, Examiners, Item 471, Sections 11, 21e
Office Buildings
Contribution by departments for construction or purchase, Section 18
Ohio River Valley Water Sanitation Commission, Item 197
Opticians Board, Sections 11, 21e
Optometry, Examiners, Item 472, Sections 11, 21e
Outdoor Advertising, Item 212
Patrick Henry Memorial, Item 486b, Section 40
Payment from general fund to supplement revenue earned by institutions, Section 10
Peanut Commission, Item 160
Personnel, Division of, Items 41, 42
Pharmacy, Board, Item 474
Pilots, Board to Examine, payment into general fund, Section 21a
Police, Department of State, Items 93-101, 493, 533-552
Ports Authority, Items 165, 166, 565
Potomac River Basin Commission of Virginia, Item 196
Potomac River Fisheries Commission, Item 203
Professional and Occupational Registration, Department of
Administration, Item 467
Athletic Commission, Virginia, Items 475, 476
Contractors, State Registration Board for, Item 477, Sections 11, 21e
Dental Examiners, Virginia State Board of, Item 469, Sections 11, 21e
Funeral Directors and Embalmers, State Board of, Item 470, Sections 11, 21e
Increase by Governor in appropriations for agencies (named in Sections 21e and 21f), Section 11
Law Examiners, Virginia Board of, Item 468, Sections 11, 21e
Medical Examiners, State Board of, Item 473, Sections 11, 21e
Nurses, State Board of Examiners of, Item 471, Sections 11, 21e
Opticians, Sections 11, 21e
Optometry, Virginia State Board of Examiners in, Item 472, Sections 11, 21e
Pharmacy, State Board of, Item 474
Pupil Placement Board, Items 354, 498
Pupil Placement Board, Items 354, 498
Purchases and Supply Department, Items 79, 79a, 492
Real Estate Commission, Virginia, payment into general fund, Sections 11, 21e
Reappropriations, § 5, Item 924
Rental Charge, Sections 18, 23
Repeal of Conflicting Acts, Section 46
Repealer, Section 46
Retirement System, Virginia Supplemental, Items 43-55
Reversion of appropriations, Sections 41, 42
Richmond Historic Foundation, Item 511, Section 40
Richmond-Petersburg Turnpike Authority, funds for property bought to go to respective State Departments for capital outlay items, Section 19
Robert E. Lee Memorial Foundation, Incorporated, Item 482, Section 40
Scientific Research, Virginia Institute of, Item 485, Section 40
Scotchtown Committee, Item 511c
Severability, Section 45
Soil Conservation Committee, State, Items 163, 164, 564

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APPROPRIATION ACT—Biennium 1960-1962—Continued
Solicitation and Acceptance of Donations, Gifts and Federal Grants, Section 15
Statements of heads of departments, organizations, agencies or institutions, Section 44
Statutory Research and Drafting, Items 3, 488
Stonewall Jackson Memorial, Item 511a
Supplemental Appropriations and authorized deficits, (Sec. 4) Items 487-519, Section 16
Capital outlays, for, Items 521-524, Section 17
Supreme Court of Appeals, Items 8-11
Taxation, Department of, Item 80, Sections 21a, 21b
Tobacco, Bright Flue-Cured Commission, Item 159
Training of employees, Section 33
Travel Expense, Section 30
Treasury Board, Items 62-64
Treasury, Department of the, Items 61, 491, Section 24
General Fund
Appropriations for State institutions, supplementing revenue, Section 10
Creation and use, unexpended balances, § 1. Sections 41, 42
Special funds, fees and funds converted or paid into, Sections 20, 21, 22, 23, 24
Transfer from ABC fund, forest products tax fund, motor vehicle fuel tax, State Corporation Commission appraisal and valuation fund and motor vehicle carrier fund, Section 24
Special funds, Sections 20-24
Special revenues collected by local officers; cost of, how paid, Section 22
Truck Experiment Station, at Norfolk, Virginia, Items 466, 503, 917-923, Sections 11, 21f
Unemployment Compensation Act of Virginia, Items 117-124
Unexpended balances revert to general fund, Sections 41, 42
United Daughters of the Confederacy, Virginia Division, Section 40
University of Virginia, at Charlottesville
Clinch Valley College, Items 435, 436, 863-864a
Hospital Division, Items 439, 440, 867-871
Mary Washington College of the University of Virginia, at Fredericksburg, Items 441, 442, 872-876a
Northern Branch College, Items 437, 438, 865, 866
University Division, at Charlottesville, Items 428-438, 852-866
VALC, Items 4, 489
Valentine Museum, at Richmond, Item 480, Section 40
Veterans' Affairs, Item 7
Veterinary Examiners, payment into general fund, Sections 11, 21e
Virginia Historical Society, Item 478, Section 40
Virginia Military Institute, at Lexington, Items 464, 465, 909-916
Virginia Polytechnic Institute, at Blacksburg, Items 443-447, 877-893a
Agricultural Experiment Station, Virginia, Items 455-458, 894-899c
Engineering Experiment Station, Items 448, 449
Extension Division, Items 450-454
State Certified Seed Commission, Item 453
Radford College, Women's Division of VPI, at Radford, Items 461-463, 900-906
Roanoke Institute, Items 459, 460, 907, 908
Virginia State Bar, Item 17
Virginia State College at Petersburg, Items 391-397, 500, 754-765a
Virginia State College at Petersburg, Norfolk Division, Items 398, 399, 766-772a
Virginia State School at Newport News, Items 404, 405, 796-801
Visually Handicapped, Items 317-326
Vital Statistics, State Registrar, payment into general fund, Section 21a
War Veterans' Claims, Item 22
Water Control Board, State, Items 194, 195, Section 21a
Welfare and Institutions, Department of, Items 264-292, 613, Sections 21a, 37
Assignment of per diem by inmate of penal institution not valid, Item 312
Beaumont School for Boys, Virginia, Items 294, 622-629, Sections 11, 21f

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Page

APPROPRIATION ACT—Biennium 1960-1962—Continued
Bland Correctional Farm, at White Gate, Items 309-311, 690, 691, Sections 11, 21f
Bon Air School for Girls, Items 293, 614-621, Sections 11, 21f
Central Activities, Items 264-292, 613
Convict Road Force, State, Items 313-316, 692-693
Hanover School for Boys, Items 296, 638-640, Sections 11, 21f
Industrial Farm for Women, State, at Goochland, Items 305-308, 678-689, Sections 11, 21f
Central Laundries, Sections 21a, 37
Janie Porter Barrett School for Girls, at Peaks Turnout, Items 295, 630-637, Sections 11, 21f
Laundries, Section 37
Payment into special fund, Section 20
Penitentiary, The, at Richmond, Items 298, 299, 644-647
Increase by Governor, not including Industrial Department, Sections 11, 21f
Industrial Department, Items 300, 648-650
Southampton Penitentiary Farm, at Capron, Items 302-304, 673-677a, Sections 11, 21f
State Penitentiary Farm and State Prison Farm for Defective Misdemeanants, at State Farm, Items 301, 651-672a, Sections 11, 21f
Goochland County Farm, Items 661-672a
Powhatan County Farm, Items 651-660
Study home for white boys, Items 297, 641-643
Transfer of appropriations, Section 8
Transfer of prison labor or farm commodities, Section 34
William and Mary Colleges
Office of Chancellor, Item 408a
Newport News Division, Items 416c, 416d
Norfolk Division, Items 412-414, 821-828
Petersburg Division, Items 416a, 416b
Richmond Professional Institute, Items 415, 416, 829-833
William and Mary, College of, in Virginia at Williamsburg, Items 409-411, 809-820a
Woodrow Wilson Birthplace Foundation, Inc., Item 481, Section 40
Woodrow Wilson Rehabilitation Center, Items 390, 753a
Workmen's Compensation, Department of
Industrial Commission of Virginia, Items 116, 116a
World War II Memorial Commission, Item 191

APPROPRIATIONS
Additional judge for Hustings Court of the City of Richmond, salary 893
Agriculture Department for control of disease attacking soybeans..... 202
Appropriating to Dept. of Conservation and Development, certain unexpended balance in 1956 Appropriation Act and reappropriated in 1958 Appropriation Act for erosion control at Colonial Beach.... 327
Auditor of Public Accounts, salary 122
Code Commission, for gradual revision of the Code 915
Commission for Economy in Governmental Expenditures..... 331
Confederate Memorial Associations and Organizations of U.D.C. 402
Mary Washington College, certain students whose property was damaged by burst water pipe (payments made from college fund)..... 566
Partial reimbursement to certain counties and cities of funds contributed by them to local retirement systems, amending § 51-114.2 756
Relief, Ray DeHart (funds from Dept. of Mental Hygiene and Hospitals) 718
Relief, Lewis Earl Hawkins (payment by Dept. of Agriculture)..... 610
Relief, James S. Nicholas (referred to Industrial Commission)..... 848
Relief, Norfolk General Hospital..... 770
Relief, Bradley M. Self (payment from Dept. of Conservation and Economic Development) 570
Relief, James M. Settle..... 938
Relief, Mr. & Mrs. Luther Smith..... 660
State Education Assistance Authority, creating 767

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Page

ARCHITECTS, PROFESSIONAL ENGINEERS AND SURVEYORS
Examiners, per diem allowance, amending § 54-24 65
VALC to study statutes relating to architects and professional engineers, S. J. R. 6 1087

ARLINGTON (CITY)
Charter, incorporating as a city, repealing 1942 and 1946 Acts incorporating 742

ARLINGTON COUNTY
Bond issues to finance acquisition of land for public purposes, proceeds for special fund 727
Assessment of abutting landowners for construction of sewers, to include curbs and gutters, amending Ch. 230, 1950 Acts 367
Dog wardens, appointment in same manner as other county employees, amending § 29-184.2 39
Dog wardens, appointment in same manner as other county employees, powers, disposition of funds, contracts with other counties, amending § 29-184.2 656
Eminent domain, powers as to laying out, constructing, improving and lighting streets and alleys, amending § 15-668.1 11
Leasing lands designated on the county master plan as intended for future public use 218
Motor carriers, ordinances as to weight limits, assessment of liquidated damages, adding § 46.1-342.1 282
Motor vehicles, prohibiting minors under 18 driving on roads and highways if prohibited by ordinance, amending § 46.1-357 122
Parking meters on designated highways, streets and roads, amending 1950 Act 160
Property owners removing trash, litter, etc., from property, adding § 15-15.2 213
Redevelopment and Urban Renewal Authority, creating, adding §§ 36-55.1 thru 36-55.6 782
Special justices of the peace, suspension for breach of rules or procedure, amending § 19-121.1 882
Traffic regulations by ordinances for protection of school children, adding § 46.1-180.2 613

ARREST
Arrest on charge of felony, preliminary hearing before indictment returned, adding § 19-137.1 597
Warrants of arrests for misdemeanors and felonies, when costs charged against prosecutor, substituting judge for trial justice, amending § 14-140 562

ATOMIC ENERGY
VALC to continue study of peaceful uses, S. J. R. 3 1086

ATTORNEY GENERAL
Retirement provisions of judges and commissioners, making applicable to assistant Attorneys General upon certain conditions 732

ATTORNEYS AT LAW
Bar examinations, requirements, rules specified by Board, affidavits, etc., amending §§ 54-60, 54-61, 54-62, 54-62.1, 54-66, repealing § 54-61.1 568
Defending poor, increasing compensation, docketing of costs, amending § 14-181 307
Examination of records in offices of clerks of courts, deemed to have used reasonable care as to correctness of indexes, adding § 54-44.2 696
Forfeit of license on failure to pay fees to Va. State Bar for 2 successive years, adding § 54-50.1 719

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Page

AUCTIONEERS
Local license taxes, uniform tax, amending § 58-286, repealing §§ 54-793, 54-794, 58-285, 58-287, 58-288, 58-288.1 160

AUDITOR OF PUBLIC ACCOUNTS
Bookkeeping and accounting for State and local offices, conforming to division of Department of Accounts and Purchases, amending § 2-128 308
Census of 1960, certification to localities, amending § 1-13.35 363
Salary, fixing and making appropriation for 122

AUTHORITIES (NEW)
Nansemond County Industrial and Port Authority, creating 4
Peninsula Civic Recreation Center Authority, creating 883
Redevelopment and Urban Renewal Authority, creating in Arlington County, adding §§ 36-55.1 thru 36-55.6 782
Rudee Inlet Authority, creating 294
Smith Island Bridge Authority, creating 789
State Education Assistance Authority, creating for promoting education at institutions of higher education, appropriation 767

AVIATION
Aviation fuel taxes, definitions, refunds, amending §§ 58-715, 58-732, 58-733, 58-744, adding § 58-753.3 614
Commissioner paying 7¢, less refunds, on aviation fuel, into treasury as special fund for aviation purposes, amending § 58-730 918

BAIL
Only one bail bond required at any one time of any person charged with more than one misdemeanor 691

BAIL COMMISSIONERS
Appointing commissioner in chancery to act in Williamsburg, amending § 19-92.1 50

BANKING AND FINANCE
Bank charges on certain balances and service fees on checks, amending § 6-348 97
Bank loans to borrowers, limitation, exempting obligations guaranteed by State or State authority, amending § 6-76 32
Bank loans upon real estate security, changing limitations and exempting certain loans to a State or agency thereof, amending § 6-78 27
Banks closing on Saturday in 13 counties, amending § 2-20.1 29
Banks closing on Saturday in Montgomery County and Radford, amending § 2-20.1 896
Banks making certain loans to manufacturing and industrial businesses, classing as ordinary commercial loans, adding § 6-79.1 27
Broker-dealer making charges on debt balance of customers, adding § 6-348.2 293
Building and loan associations, abolishing provisions as to and enacting provisions for conduct of savings and loan business, Virginia Savings and Loan Act, repealing §§ 6-140 thru 6-201, adding §§ 6-201.1 thru 6-201.63 621
Building and loan associations, deleting from exceptions as to income taxes, substituting mutual savings and loan associations, also as to franchise and license taxes, amending §§ 58-128, 58-373, 58-443, repealing § 58-461 620
Certificates of authority, commissions, fees, etc., not permitted as to sale of subscriptions of stock, amending § 6-35 346
Industrial loan associations, conferring on future associations powers and restrictions applying to banks, how associations may become banks, abolishing certain restrictions as to banks and industrial loan associations, amending § 6-245, repealing § 6-12 67

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Page

BANKING AND FINANCE—Continued
Industrial loan associations, imposing additional limitation of powers on associations having certificates of investment issued and outstanding, amending § 6-251 68
Industrial loan associations selling certificates of investment under certain conditions, deleting provision as to rate of interest, amending § 6-255 67
Investments by banks, to include stock of industrial development companies, amending § 6-51 830
Money and interest, limiting actions for recovery of interest or charges under certain contracts issued by F.H.A. and V.A., adding § 6-351.1 68
Negotiable instruments, not affected if instrument states security is deed of trust, amending § 6-357..... 38
Person, firm, association or corporation making real estate mortgages or deeds of trust loans for resale making initial services, investigation or processing charge not exceeding one per cent 691
Savings and loan associations, enacting provisions as to conduct of the business and abolishing provisions as to building and loan associations, Virginia Savings and Loan Act, adding §§ 6-201.1 thru 6-201.63, repealing §§ 6-140 thru 6-201..... 621
Savings and loan associations, including mutual and stock companies, substituting for building and loan associations as to exceptions from income taxes and payment of franchise and license taxes, amending §§ 58-128, 58-373, 58-443, repealing § 58-461..... 620
Taxation by cities and towns of stock of banks and trust companies having branches, payment out of State Treasury to certain counties, records of deposits thru branches, amending §§ 58-476, 58-476.1, 58-481, adding §§ 58-476.2 thru 58-476.6, repealing §§ 58-477, 58-477.1, 58-478, 58-478.1, 58-483..... 399
Uniform Disposition of Unclaimed Property Act, enacting, adding §§ 55-210.1 thru 55-210.30..... 385

BAR EXAMINATIONS
Requirements, rules specified by Board, affidavits, etc., amending §§ 54-60, 54-61, 54-62, 54-62.1, 54-66, repealing § 54-61.1..... 568

BAR EXAMINERS
Compensation, increasing, amending § 54-58..... 109

BATH COUNTY
Airport District, creating in county as a political subdivision..... 661

BEDFORD
Charter, amending 47
Special town school district, remaining special school district on dissolution, amending § 22-43.1 52
Supervisors, increasing compensation, amending § 14-56.1..... 191

BILLS OF PARTICULARS
Admission of facts and genuineness of documents without formal proof in certain cases, adding § 8-111.1 725

BOATS
Requirements and provisions for safe operation of certain motorboats, vesting administration in the Commission of Game and Inland Fisheries 775

BOILERS AND PRESSURE VESSELS
Standards and regulations by Corporation Commission, adoption and enforcement by localities, penalties 828

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BOND ISSUES Page
Arlington County, issues to finance acquisition of land for public purposes, proceeds for special fund 727
Counties, initial resolution, no separate statement when issues to be used for diversified purposes, amending § 15-666.29..... 872
Fiscal agents of counties to destroy bonds and bond coupons when payment in full has been made, certification to treasurer or director of finance 873
Issues under Public Finance Act of 1958, temporary investment of proceeds and deposit of or investment of certain funds, amending §§ 15-666.48, 15-666.52..... 110
Sanitary districts, validating all proceedings in creating and issuance 871

BONDS
City treasurers, commissioners of the revenue and sergeants on transition of towns into cities, amending § 15-93..... 835
Clerks, officers and employees of courts not of record, dispensing if already under bond, amending § 16.1-16 186
Livestock auction markets and stockyards, exceptions to requirements, amending § 3-541 318

BOTETOURT COUNTY
Banks closing on Saturday, amending § 2-20.1..... 29
Supervisors, compensation, amending § 14-56.1..... 191

BOUNDARIES AND JURISDICTION OF THE COMMONWEALTH
Jurisdiction and ownership over offshore waters along the coasts and lands lying thereunder, adding § 7-1.1..... 826

BRIDGEWATER
Charter, new 209

BRISTOL
Charter, amending..... 47

BRUNSWICK-BALKE-COLLENDER COMPANY
Negotiations with State Hospital Board as to conveyance of certain real estate owned by Board 3

BUILDING AND LOAN ASSOCIATIONS
See under BANKING AND FINANCE.

CAMPBELL COUNTY
Reassessment, extending time, amending § 58-792.1..... 112
Water supplies, expending general funds, amending Ch. 18, Ex. 1959 Acts 806

CAROLINE COUNTY
Supervisors, clerk of board, compensation, amending § 15-239..... 107

CARRINGTON, JUDGE PAUL
Erection of historical marker near home in Charlotte County by Library Board 801

CARROLL COUNTY
Squirrel season, amending Ch. 202, 1950 Acts 804
866

CEMETERIES
Restrictions as to establishment in cities and towns, including counties within provisions, exceptions as to interment in churchyards and private property, amending § 57-26 171
Removal and reinterment of remains upon land acquired by Highway Department, procedure 363

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Page

CENSUS
Counties and cities 1110
"Population" provisions under § 1-13.35 not to limit the creation of a new judicial circuit or division of one existing nor to presiding judges, amending § 1-13.36 319

CENSUS OF 1960
When effective, duties of Auditor of Public Accounts, amending § 1-13.35 363

CERTIFIED PUBLIC ACCOUNTANTS
Board of Examiners, per diem allowances, amending § 54-98..... 65
Certification requirements, including education, when examination may be waived, amending §§ 54-89, 54-93..... 194

CHAMBERS OF COMMERCE
Counties, cities and towns making gifts or donations to, amending § 15-16.1 53

CHAPTER NUMBER OF ACTS
Shown with bill numbers 1127

CHARITABLE INSTITUTIONS
Va. State Bar and Va. State Bar Association to study as to immunity from civil liability in tort cases and insurance therefor, H. J. R. 95 1084

CHARLOTTESVILLE
Charter, amending, and repealing § 36-19.3 of Code as to limitation of construction contracts by housing authorities 299
Charter, amending 378

CHARTERS
Alexandria, amending 14
Arlington, incorporating, repealing 1942 and 1946 Acts incorporating 742
Bedford, amending 47
Bridgewater, new 209
Bristol, amending 47
Charlottesville, amending, and repealing § 36-19.3 of Code..... 299
Charlottesville, amending 378
Chase City, amending..... 18
Colonial Beach, new..... 328
Colonial Heights, new..... 220
Craigsville, new 34
Danville, amending 93
Elkton, amending 286
Emporia, amending 177
Fairfax, amending 652
Falls Church, amending..... 668
Glasgow, amending 49
Granting or amending by General Assembly, effect, adding §§ 15-65.4, 15-77.77 773
Halifax, amending 311
Hopewell, amending 152
Lynchburg, amending 740
Manassas, amending 57
Marion, new 15
Newport News, amending..... 126
172
172
Norfolk City, amending..... 649
Poquoson, amending 735
Portsmouth, amending 167

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Page

CHARTERS—Continued
Portsmouth, amending 175
Procedure under Chapter 4.1 of Title 15 not applicable to 1960 Session 3
Pulaski, amending 8
Purcellville, amending 170
Richmond City, amending 12
Smithfield, amending 59
South Boston, new 283
Stephens City, amending 331
Vienna, amending 288
Virginia Beach, amending 40
Warrenton, amending 660
Williamsburg, amending 44
Woodstock, amending 681
Wytheville, amending 163

CHASE CITY
Charter, amending 18

CHESTERFIELD COUNTY
Acquisition of land for county purposes, increasing, amending § 15-688 156
Clerks of courts, additional compensation, adding § 14-155.13 215
Property owners removing trash, litter, etc., from property, adding § 15-15.2 213
Supervisors, compensation, amending § 14-56.1 191
Zoning, regulations for gradual elimination of uses of land and buildings, amending § 15-884 163

CIRCUIT COURTS
Terms 1095
See also COURTS OF RECORD

CITIES
Commissioners of the revenue, increasing maximum salary brackets by 10%, adding § 14-70.2 658
Planning commissions, increasing membership, and authorizing mayor or council to appoint members in Roanoke City, amending § 15-901 364
Referendums as to ordinances requiring dogs be kept on leash or otherwise restrained 151
Treasurers, increasing maximum salary brackets by 10%, adding § 14-68.3 640

CITIES AND TOWNS
Advertising purposes, expenditure of funds, increasing amount in Fredericksburg, deleting Kenbridge and Victoria and towns in Franklin County from special provisions, amending § 15-13 186
Charters, amending or granting by General Assembly, effect, adding §§ 15-65.4, 15-77.77 773
Charters, procedure under Chapter 4.1 of Title 15 not applicable to 1960 Session 3
Contracts, officers not to have interest in, excluding officer or director of bank serving as councilman, amending § 15-508 914
Donations to charitable institutions, including counties within provisions, amending § 15-16 293
Erection of dams for enlarging water supply, abolishing, repealing §§ 15-740 thru 15-746 730
Mayor and councilmen, salaries under charter provisions, amending § 15-453 186
Permitting to allow temporary use of streets for other than public purposes and closing streets and alleys connected therewith during such temporary use, amending § 15-6 834

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Page

CITIES AND TOWNS—Continued
Policemen, compensation and fees under charter provisions, amending § 15-557 175
Retirement and pension systems, establishing, including counties within provisions, amending § 51-112..... 639
Transition of towns to cities, bonds of treasurer, commissioner of the revenue and sergeant, amending § 15-93 835

CITY COURTS
Terms 1101

CIVIL WAR COMMISSION, VIRGINIA
Authorizing Commission to form or participate in formation of non-profit corporations, contracting with public and private groups.... 413

CLARKE COUNTY
Supervisors, increasing compensation, amending § 14-56.1..... 191

CLERKS OF COURTS
Allowances, increasing in Wise and Amelia Counties, amending § 14-163.1 348
Attorneys examining records in offices, deemed to have used reasonable care as to correctness of indexes, adding § 54-44.2..... 696
Clerk of Nansemond County, relieving of duties as clerk of governing body, ordinance, amending § 15-237..... 42
Compensation, additional in Princess Anne, Chesterfield, Henrico and Fairfax Counties, adding § 14-155.13..... 215
Compensation in cities and counties of less than 200,000, exception, amending § 14-155 92
Compensation, increasing maximum by 10%, adding § 14-155.13..... 755
Compensation in Norfolk County, amending § 14-155..... 366
Filing with Compensation Board all fees, allowances, etc., including sheriff of Richmond City within provisions, amending § 14-145.... 892
Indexing deeds, entering the name of the first listed trustee as grantee in lieu of beneficiary, amending § 17-79..... 156
Liens or other documents, recordation in deed book in lieu of miscellaneous lien book, indexed in general index of deeds, adding § 43-4.1 104
Offices closing on county holidays in Hanover, Culpeper, Northampton, Accomack and Roanoke Counties, amending § 17-41 30
Offices closing on Saturdays in any city on consent of judge and governing body and Pulaski, Fauquier, Surry, Prince George, Loudoun, Nansemond, Hanover and Dinwiddie, amending § 17-41..... 753
Records, storage of certain records after 15 years and lien books after 5 years, amending § 17-46..... 105
Virginia Court Clerks' Association to make study as to preservation of certain documents filed in offices, H. J. R. 21..... 1077

CLERKS OF COURTS NOT OF RECORD
See under COURTS NOT OF RECORD.

CLERKS OF SENATE AND HOUSE
Retirement System, last-survivor annuities in lieu of retirement salary, adding § 51-29.7:1 407

CODE COMMISSION
Providing for gradual revision of the Code of Virginia, appropriation 915
Revision and recodification of Title 18, Crimes and Offenses, repealing §§ 18-1 thru 18-366, adding §§ 18.1-1 thru 18.1-429 417
Revision and recodification of Title 19, Criminal Procedure, repealing §§ 19-1 thru 19-342, adding §§ 19.1-1 thru 19.1-373..... 497

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CODE OF 1950		Page
Amending § 1-13.35,	"population", defining, when census of 1960 effective, duties of Auditor of Public Accounts	363
Amending § 1-13.36,	"population" provisions under § 1-13.35 not to limit the creation of a new judicial circuit or division of one existing nor to presiding judges	319
Amending § 2-20.1,	banking and finance, banks closing on Saturday in 13 counties	29
Amending § 2-20.1,	banks closing on Saturday in Radford and Montgomery County	896
Amending § 2-29,	disabilities to hold office, exempting U. S. government clerk acting as special policeman in county under appointment by court or judge	46
Amending § 2-128,	Auditor of Public Accounts, system of bookkeeping and accounting for State and local offices, conforming to division of Department of Accounts and Purchases	308
Repealing §§ 2-164, 2-171, Amending §§ 2-174, 2-193,	Comptroller, destruction of certain records over 2 years old after microfilming, abolishing provisions as to keeping accounts of certain agencies	310
Amending § 2-175,	Comptroller, annual reports to Governor on or before 15th day of August	106
Adding § 2-211.1, Amending §§ 2-222, 2-267		
Repealing § 2-161.1,	Purchases and Supply, creating Board of, appeals from	279
Amending § 2-259,	purchases and supply, flour, supply of other than soft winter wheat flour for special purposes	280
Amending §§ 3-205, 3-208.1, 3-208.7, 3-208.22, 3-208.31, Adding §§ 3-203.1, 3-203.2, 3-208.8:1,	Va. Insecticide, Fungicide and Rodenticide Law, terms, ingredient statement, labels, etc.	842
Amending § 3-249,	tobacco, severance taxes on bright flue-cured tobacco, increasing	52
Amending § 3-348,	Milk Commission, increasing per diem of members	316
Amending § 3-451.14,	ice cream and frozen products, how long pasteurized mix to be kept before freezing	320
Amending § 3-541,	livestock auction markets, or stockyards, under certain U.S. provisions, no bond to accompany license	318
Amending § 3-619,	stock and poultry feed, substituting "material" for "feed", and including materials for feeding aquatic creatures and birds other than poultry	350
Adding § 4-15.1,	alcoholic beverages, State tax on other than beer, 10%, imposition, collection, use of proceeds	609

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UNIVERSITY OF MINNESOTA

		Page
CODE OF 1950—Continued		
Amending § 4-22,	alcoholic beverages, net profits, apportioned by Comptroller and distributed by warrants of Comptroller	118
Amending §§ 4-33, 4-104,	alcoholic beverages, license tax on manufacture and sale, increasing	733
Amending §§ 4-40, 4-108,	alcoholic beverages, excise tax on beer and 3.2 beverages, increasing	633
Adding § 4-73.1,	alcoholic beverages, identification cards for persons between 21 and 25 and entitled to purchase	941
Amending § 4-85,	alcoholic beverages, importation under customs bonds and operators of U. S. customs bonded warehouses	117
Adding § 4-112.2,	alcoholic beverages of not more than 3.2%, identification cards to persons between 18 and 25 years, signing of statements by nonresidents	940
Repealing § 6-12, Amending § 6-245,	industrial loan associations, conferring on future associations powers and restrictions applying to banks, how associations may become banks, abolishing certain restrictions as to banks and industrial loan associations	67
Amending § 6-35,	banking and finance, certificates of authority, commissions, fees, etc., not permitted as to sale of subscriptions of stock	346
Amending § 6-51,	banking and finance, investments by banks, to include stock of industrial development companies	830
Amending § 6-76,	banking and finance, limit of liability of borrower, exempting obligations guaranteed by State or State authority	32
Amending § 6-78,	banking and finance, bank loans upon real estate security, changing limitations, and exempting certain loans to States or agencies thereof	27
Adding § 6-79.1,	banking and finance, classing certain bank loans to manufacturing and industrial businesses as ordinary commercial loans	27
Repealing §§ 6-140 – 6-201, Adding §§ 6-201.1 – 6-201.63,	Va. Savings and Loan Act, providing provisions for the conduct of the savings and loan business, abolishing provisions as to building and loan associations	621
Amending § 6-245, Repealing § 6-12	industrial loan associations, conferring on future associations powers and restrictions as to banks, how to become banks	67
Amending § 6-251,	industrial loan associations, additional limitations of powers on associations having certificates of investment issued and outstanding	68
Amending § 6-255,	industrial loan associations, selling certificates of investment under certain conditions, deleting provisions as to rate of interest	67

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Page

CODE OF 1950—Continued

Amending § 6-348, banking and finance, bank charges on certain balances and service fees on checks, etc. 97

Adding § 6-348.2, banking and finance, broker-dealer making charges on debt balance of customers..... 293

Adding § 6-351.1, banking and finance, money and interest, limiting actions for recovery of interest or charges under certain contracts insured by F.H.A. or V.A. 68

Amending § 6-357, banking and finance, negotiable instruments not affected if instrument states security is deed of trust..... 38

Adding § 7-1.1, waters of the State, establishing jurisdiction of Commonwealth over offshore waters along the coasts and lands lying thereunder 826

Amending § 7-33.1, State flags, sale by Director of Department of Purchases and Supply 411

Amending §§ 8-54, 8-76, service of process in suits for divorce, how served, publication including in provisions, suits for annulling marriage..... 21

Adding § 8-111.1, evidence, admission of facts and genuineness of documents without formal proof in certain cases 725

Adding § 8-135.1, minors borrowing for college education, liability as if adult if approved by certain educational associations 100

Amending §§ 8-157, 8-158, removal of certain pending suits, motions or other proceedings to certain other courts in same circuit, approval of court..... 876

Amending § 8-169, actions and suits on behalf of infants, idiots or insane, compromises, including claims under provisions of an automobile insurance policy 358

Amending § 8-170, actions for personal injuries to infant, idiot on insane, compromise to include claims under the provisions of an automobile insurance policy 359

Amending § 8-182, jury list, number for Hustings Court of the city of Richmond, Part II, and the Law and Equity Court 878

Amending § 8-270, evidence, certified copies of statutes of U. S. or ordinances or resolutions of municipal corporations, including counties within provisions 787

Amending § 8-288, testimony of husband and wife in prosecution against a minor child over sixteen years 726

Amending § 8-293, witnesses, contradiction by prior inconsistent writing, exceptions as to actions on insurance policies for personal injuries or death by wrongful act 124

Amending § 8-386, liens, time at which judgment becomes lien on real property, including by confession of judgment 725

Amending § 8-390, liens, docketing required to perfect, when judgment revived, docketing required to again become lien 324

Amending § 8-393, lien of judgment, suits to enforce against certain lands, recordation of notice of lis pendens 345

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Page

CODE OF 1950—Continued

Amending § 8-441, garnishment proceedings, institution, basis of summons issued at suggestion of judgment creditor or assignee against wages of judgment debtor, allegations to be made 784

Adding § 8-477.1, posting of bond by a garnishee or other person indebted to person against whom a judgment has been obtained pending an appeal to Supreme Court..... 359

Amending § 8-511, actions on contracts, defendant filing affidavit denying claim with motion for judgment or civil warrant, continuance.... 667

Amending § 8-639, death by wrongful act, compromise of claim by personal representative, deleting as to consent of persons entitled to damages.... 43

Amending § 8-639, death by wrongful act, compromise to include claims under the provisions of an automobile insurance policy..... 895

Repealing §§ 8-780 – 8-788, agents to collect debts due State and sale of lands purchased for State, abolishing..... 106

Amending §§ 9-6.2, 29-126, administrative agencies, excluding Commission of Game and Inland Fisheries, copies of regulations by Commission to be filed in office of Division of Statutory Research and Drafting 846

Amending § 9-16.1, Virginia Athletic Commission, investigations by, deleting provisions as to additional powers and instituting criminal proceedings 374

Adding § 9-16.2, Virginia Athletic Commission, prohibiting interference with or restraint of the conduct of professional boxing or wrestling matches or exhibitions 702

Amending § 9-23, Virginia Athletic Commission, provisions for issuance of licenses to promote, etc., professional boxing and wrestling matches, and fixing standards 373

Amending § 9-42, Virginia Athletic Commission, additional authority of Commission to revoke, suspend or place on probation the license of any licensee, judicial review 372

Adding § 9-44.1, Virginia Athletic Commission, injunctive relief for violations 703

Adding § 9-44.2, Virginia Athletic Commission, power to institute criminal or civil proceedings as to violations 703

Amending §§10-8.1, 10-118, 10-119, 10-130, Conservation and Economic Development, Dept. of, Division of Industrial Development, adding "and Planning" to title..... 173

Amending §§10-76, 10-76.1, 10-77, 10-81, 10-83 forestry, leaving of uncut trees for seeding purposes, exceptions, sending plan to State Forester 313

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CODE OF 1950—Continued

		Page
Amending §10-79.1,	forestry, procedure to insure proper planting after conviction of failing to leave seed trees uncut, cash deposit, etc.	334
Adding §§13.1-140 –13.1-156,	corporations, industrial development corporations, incorporation provisions and regulation and control	101
Amending §13.1-204,	corporations, nonstock corporations, purposes of formation, deleting sewage service	356
Amending §13.1-214,	corporations, nonstock, meetings, publication of notice	278
Adding §13.1-242.1,	corporations, merger or consolidation of foreign and domestic nonstock corporations	358
Adding §§13.1-424 –13.1-433,	corporations, Uniform Act for the Simplification of Fiduciary Security Transfers, enacting	25
Adding §§13.1-434 –13.1-436,	corporations, securities registered in joint names, procedure for transferring	24
Amending §13.1-513, Adding §13.1-514.1,	corporations, securities, exempting from registration requirements certain securities of a community character (amendment taken out of § 13.1-513)	95
Amending §14-5.2,	county, city and town officers, traveling expenses, reimbursement, including Fairfax and Albemarle Counties	210
Amending §14-50,	judges of county courts, salaries and expenses fixed by committee of three circuit judges, continuing and compensation for	689
Amending §§14-51, 14-52,	judges of county courts, salaries, increasing, special provisions for Norfolk County	647
Amending §14-56.1,	supervisors, increasing compensation in 23 counties and the chairmen in Franklin and Washington	191
Adding §14-66.2,	Commonwealth's attorneys, increasing maximum salary brackets by 10%	805
Adding §14-68.3,	city treasurers, increasing maximum salary brackets 10%	640
Adding §14-69.3,	county treasurers, increasing maximum salary brackets 10%	658
Adding §14-70.2,	city commissioners of the revenue, increasing maximum salary brackets 10%	658
Adding §14-71.3,	county commissioners of the revenue, increasing maximum salary brackets 10%	658
Amending §14-86, Adding §14-86.1,	sheriffs and sergeants, compensation, increasing maximum, special provisions in certain counties	787
Amending §14-96,	fees for certain law enforcement officers, payment out of State treasury, conforming to revision of Title 19	561
Amending §14-132,	fees in criminal cases, for judges or clerks of courts not of record, conforming to revision of Title 19	562
Amending §§14-132, 14-136,	courts not of record, fees, increasing for issuing certain warrants, including justices of the peace	346

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CODE OF 1950—Continued Page

Adding §14-132.1, Lynchburg, authorizing city to waive fees for services in criminal cases and taxed as costs 881

Amending §14-133, courts not of record, service of process, no fee for reissuance within certain time..... 22

Amending §14-133, fees in courts not of record, no fee in any tax case instituted by any county, city or town or reissue of certain processes within a certain time..... 120

Amending §§14-135, 14-143, fees charged by justices of the peace and notaries, increasing for taking and certifying acknowledgments to deeds or other writing and administering oaths or affirmations 891

Amending §14-140, fees, warrants of arrest for misdemeanors or felonies, when costs charged against prosecutor 562

Amending §14-145, clerks of courts and high constables, filing with Compensation Board all fees, allowances, etc., including sheriff of Richmond City in provisions 892

Amending §14-155, clerks of courts, compensation in cities and counties of less than 200,000, exception.... 92

Amending §14-155, clerks of courts, compensation in Norfolk County 366

Adding §14-155.13, clerks of courts, additional compensation in Henrico, Chesterfield, Princess Anne and Fairfax Counties 215

Adding §14-155.13, clerks of courts, increasing maximum compensation by 10% 755

Amending §14-163.1, clerks of counties, allowances, increasing in Wise and Amelia Counties 348

Amending §14-181, attorneys to defend the poor, increasing compensation, docketing abstract of costs..... 307

Amending §15-6, cities and towns permitted to allow temporary use of streets for other than public purposes and closing streets and alleys connected therewith during such temporary use 834

Adding §15-7.2, towns acquiring property by gift or purchase, but not by condemnation, land for development of business and industry, leasing or sale 850

Amending §15-8, county ordinances. purpose expressed in titles, publication of only title permissive..... 938

Amending §15-11, counties spending money for promoting agriculture, to include watershed projects, no limitation thereto..... 176

Amending §15-13, cities and towns expending money for advertising, increasing in Fredericksburg, deleting Kenbridge and Victoria and towns in Franklin County 186

Adding §15-15.2, counties, owners of property removing trash, litter, etc. in Arlington, Roanoke and Chesterfield Counties 213

Amending §15-16, cities and towns making donations to charitable institutions, including counties within provisions 293

Amending §15-16.1, counties, cities and towns making donations to certain institutions, including within provisions, public and private nonprofit organizations commemorating historical events 716

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Page

CODE OF 1950—Continued

Amending § 15-16.1, counties, cities and towns making gifts or donations to chambers of commerce..... 53

Amending §15-20.4, horse riding schools in counties, licensing, inspecting and regulating, violations, conforming to revision of Title 18..... 492

Amending §15-25.1, jurors, additional compensation by localities, conforming to revision of Title 19 563

Adding §§15-65.4, 15-77.77, charters of municipal corporations, granting or amending by General Assembly, effect 773

Amending §15-93, transition of towns into cities, bonds of treasurer, commissioner of the revenue and sergeant 835

Amending §15-152.9, annexation proceedings, vacancies on court during trial, continuing judge of circuit court of county 731

Amending §15-152.12, annexation proceedings, payment by city or town to carrier of passengers by motor bus who is a party to said proceedings 855

Amending §15-152.26, annexation, cases in which whole county must be annexed, computation of area shall exclude property owned by U. S..... 827

Amending §15-220, consolidation of adjoining or adjacent counties or adjoining or adjacent cities or towns, eliminating local provisions and making section general 754

Amending §15-237, clerks of courts, relieving clerk of Nansemond County as to duties as clerk of board of supervisors by ordinance..... 42

Amending §15-239, supervisors, clerks of boards, increasing compensation in 16 counties 107

Amending §15-241, supervisors, meetings, two a month in Princess Anne County..... 41

Amending §15-243, supervisors, special meetings, notice of not less than 24 hours in Alleghany County 655

Amending §15-250, counties borrowing money to meet casual deficits, not earlier than February first of any year 355

Amending §§15-285, 15-290, county executive, powers required of him by law, serving on local welfare board in Albemarle County 804

Adding §§15-384.10 –15-384.80, counties, enacting provisions for urban forms of government under county executive or county manager forms, applicable to Fairfax County 571

Amending §15-453, cities and towns, salaries of mayor and councilmen under charter provisions 186

Amending §15-508, city and town contracts, officers not to have interest in, excluding officer or director of bank serving as a councilman..... 914

Amending §15-524, sheriff of Richmond City, maximum compensation 891

Amending §15-548, county funds and contracts, certification of funds and officers not to have interest in contracts, violations, conforming to revision of Title 18 493

Amending §15-555, allowances for injuries to officers and employees, continuing payments to widow, applicable to Norfolk County 756

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CODE OF 1950—Continued

		Page
Amending §15-555.2,	fingerprinting of persons charged with misdemeanors on order of judges of municipal courts in cities and towns	105
Amending §15-557,	policemen in cities and towns, compensation and fees under charter provisions	175
Amending §15-571,	policemen, special in counties, appointment by county judge and conforming to revision of Title 19	563
Amending §15-666.29,	bond issues by counties, initial resolution, contents, no separate statement when issues to be used for diversified purposes	872
Amending §§15-666.48, 15-666.52,	bond issues under Public Finance Act of 1958, temporary investment of proceeds and deposit of or investment of certain funds	110
Amending §15-668.1,	eminent domain, power in Arlington County for laying out, constructing, improving and lighting streets and alleys	11
Amending §15-688,	counties, acquisition of land, increasing in Henrico and Chesterfield Counties	156
Adding §15-692.3,	counties, cities and towns acquiring property for educational purposes by gift, purchase or condemnation	841
Amending §15-707,	counties, dumps for waste material, increasing acreage in Princess Anne and Roanoke Counties, limitation as to acreage in one magisterial district in certain counties	362
Adding §15-707.1	counties, cities and towns, powers as to adequate drainage and acquisition of property for the purpose	219
Repealing §§15-740 –15-746,	cities and towns, erection of dams for enlarging water supply, abolishing	730
Amending §15-764.10,	water and sewer authorities, joinder and withdrawal by political subdivisions	369
Amending §15-764.12,	water and sewer authorities, powers as to eminent domain and borrowing and procedure therefor	677
Adding §15-854.1,	zoning ordinances, validating proceedings as to prior to 1/1/59	18
Repealing §§15-870.1, 15-873.1,	zoning in certain counties, boards of appeals, abolishing provisions as to effective dates of certain decisions and appeals	161
Amending §15-884,	zoning in certain counties, regulations for gradual elimination of uses of land and buildings in Chesterfield and Henrico Counties	163
Amending §15-891.3,	regional planning and economic development commissions, accepting funds from U. S. or agency or other agencies, use of proceeds	832
Adding §15-891.10,	regional planning and economic development commissions, changing name, omitting "and economic development"	833
Amending §15-901,	municipal planning commissions, increasing membership, and authorizing either mayor or council to appoint members in Roanoke City	364
Amending §15-923,	planning commissions, master plan, disapproval, communicating reasons therefor, overruling	875

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Page

CODE OF 1950—Continued

Amending §16.1-16, courts not of record, bonds of clerks, officers and employees, dispensing if already under bond 186

Amending §§16.1-26, 16.1-27, courts not of record, powers as to punishment of contempt and to issue process, conforming to revision of Title 18..... 493

Adding §16.1-43.2, judges of county courts, supplementing salary in Henrico County..... 155

Amending §16.1-90, courts not of record, powers of judges to take recognizances upon continuation of case, conforming to revision of Title 19 564

Amending §16.1-92, courts not of record, removal of actions exceeding certain amount, except cases of unlawful entry and detainer 350

Amending §§16.1-124, 16.1-125, 16.1-127, municipal courts, jurisdiction in criminal matters, conforming to revision of Title 18 494

Amending §16.1-129, courts not of record, jurisdiction as to criminal cases, conforming to revision of Title 19 564

Adding §16.1-143.1, juvenile and domestic relations courts, localities establishing and operating joint regional courts, payment of salaries of judges and personnel by State, by whom judges appointed 739

Amending §16.1-158, juvenile and domestic relations courts, work permits for children over whom they have jurisdiction 595

Amending §16.1-176, juvenile delinquents of 14 or over charged with certain offenses, making investigation by court permissive instead of mandatory 370

Adding §16.1-176.1, juvenile delinquents, trial for certain offenses when 16 or over by court of record of those with previous records 117

Amending §§16.1-178, 63-73, 63-241, 63-351, juvenile delinquents, custody and commitment, local boards placing children in homes and institutions, licensed child placing agencies, adoption, etc..... 392

Adding § 16.1-178.2, juvenile delinquents, commitment by juvenile and domestic relations courts and Department of Welfare and Institutions to Dept. of Mental Hygiene and Hospitals 118

Amending §17-41, clerks, offices, closing on county holidays in Hanover, Culpeper, Northampton, Accomack and Roanoke Counties 30

Amending §17-41, clerks' offices, closing on Saturdays in any city on consent of judge and in Pulaski, Fauquier, Surry, Prince George, Loudoun, Nansemond, Hanover and Dinwiddie Counties 753

Amending §17-46, clerks' offices, storage of certain records after 15 years and crop lien books after 5 years 105

Amending §17-79, clerks of courts indexing deeds, entering name of the first listed trustee as grantee in lieu of beneficiary 156

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		Page
CODE OF 1950—Continued		
Amending §§17-119, 17-119.1,	judicial circuits and judges, making Portsmouth 38th Circuit and providing for additional judges for 10th and 28th circuits	204
Amending §§17-119, 17-222.1, 17-222.4, 17-222.7, 17-222.10, 17-222.14,	judicial circuits, reclassifying certain circuits and providing for the 39th and 40th circuits; courts of record of city of Newport News, jurisdiction and clerks thereof	856
Adding § 17-153.1,	judges, additional for Hustings Court of the City of Richmond, election, etc.	203
Amending § 17-163,	Circuit Court of the City of Richmond, jurisdiction, conforming to revision of Title 19	564
Repealing §§ 18-1 –18-366, Adding §§18.1-1 –18.1-429,	Crimes and Offenses, revision and recodification of Title 18	417
Adding §18-7.1,	crimes and offenses, trespass, prohibiting a person from conspiring, confederating or combining with another or others to trespass on certain property, penalty	114
Amending §18-17,	conservators of the peace, appointment at hospital or colony under State Hospital Board, duties	330
Amending §18-75.1,	motor vehicles, driving under influence of intoxicants, chemical analysis, times within which made	853
Amending §§18-138, 18-140, 18-142, 18-143,	Uniform Machine Gun Act, to apply to automatic weapons firing rifle shells as well as pistol ammunition	308
Amending §18-217,	homing pigeons, excepting county and city ordinances permitting taking, killing, etc. about certain buildings, not classified as homing pigeons	208
Amending §18-225,	crimes and offenses, trespass on lands, buildings or premises of another after having been forbidden, broadening provisions and increasing penalty	113
Adding §18-225.2,	crimes and offenses, trespass, prohibiting person from soliciting or encouraging another or others to trespass upon certain property, penalty	113
Adding §18-301.1,	lotteries, defining "consideration" in prosecutions	294
Amending §18-329, Adding §§18-329.1, 18-329.2,	working on Sunday, enacting new provisions	332
Amending §18-330,	Saturday, observance as Sabbath by certain persons, omitting "and does not on that day disturb any other person"	724
Adding §§18.1-227 –18.1-236.3		

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CODE OF 1950—Continued		Page
Repealing §§18-113, 18-113.1	crimes and offenses, obscenity, defining "obscene", making felony for second and subsequent offenses, orders and judgments as to obscene books	302
Repealing §§19-1 –19-342, Adding §§19.1-1 –19.1-373,	Criminal Procedure, revision and recodification of Title 19	497
Amending §19-92.1,	bail commissioners, appointing commissioner in chancery to act in Williamsburg	50
Amending §19-121.1,	special justices in Arlington County, suspension for breach of rules or procedure	882
Amending §19-129,	juries, court not to charge grand jury in presence of person summoned as petit juror, reversible error	725
Adding §19-137.1	arrest on charge of felony, preliminary hearing before indictment returned	597
Amending §19-171,	juries, court not to charge grand jury in presence of person summoned as a petit juror, reversible error	112
Amending §19-186,	juries, excluding persons living within 2 miles in felony cases, exception as to Nottoway County	99
Amending §20-48,	marriage licenses, age of consent for minors, clerks issuing licenses, conforming to revision of Title 18	494
Amending §20-61,	desertion and nonsupport, confinement on State Convict Road Force	345
Amending §20-79,	divorce, suits for, procedure for support of the wife or child	99
Amending §20-91,	divorce, grounds for from bond of matrimony, voluntary separation for 3 years, exception when service of process is by publication	121
Amending §20-118,	divorce, dissolution from bond of matrimony for cause subsequent to date of marriage, waiting period pending appeal, validation of certain violations thereof	617
Amending §20-121,	divorce, merging decree of divorce from bed and board to decree for divorce from bonds of matrimony, effect on restraining order or order for payment of costs, counsel fees, alimony or support money	23
Amending §§21-6, 21-29, 21-37, 21-38, 21-41,	soil conservation districts, members of committee, areas to be included, elections and expenses as to	216
Amending §21-118,	sanitary districts, condemnation of lands for water and sewer lines, appointment of special policemen by governing body	43
Amending §22-20,	education, per diem and expenses for members of State Board	724
Amending §22-43.1,	education, special town school district of Bedford, town remaining special school district on dissolution	52
Repealing §22-67 Adding §22-67.1,	local school boards, increasing salaries	280

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		Page
CODE OF 1950—Continued		
Amending §22-107.1,	education, loans from Literary Fund for school buildings on certain property.....	720
Repealing §§22-115.22 –22-115.28,	education, abolishing provisions as to grants to children in private schools and enacting provisions to provide for State and local scholarships, repealing Ch. 53, Ex. 1959 Acts	703
Amending §22-119,	education, "forest reserve fund", expenditure by school board for public school purposes	723
Amending §§22-133, 22-141,	education, town treasurers handling town school district funds	290
Amending §22-141, Adding §22-141.1,	education, county school funds, prescribing town's shares	837
Amending §§23-14, 23-39, 23-41, 23-42, 23-44, 23-45, 23-47, 23-49, 23-49.1, Repealing §23-48,	William and Mary, College of, name to include "Colleges" instead of "College", increasing number of visitors, chief executive officer, etc.	188
Amending §§23-35.3, 23-35.5,	medical and dental scholarships, contracts, public health service or employee of Health Dept., reimbursement on later fulfilment of contract	691
Amending §23-36.2,	nursing scholarships, increasing number, amount, to whom available	566
Amending §23-49.1,	William and Mary, College of, divisions to include those at Newport News and Petersburg	58
Amending §§23-93, 23-94,	V.M.I., Board of Visitors, increasing number, two nonresident alumni, ten resident alumni, effective date.....	198
Amending §24-68,	elections, application for registration, form may be supplied by registration office, deleting as to blank paper	352
Amending §§24-131, 24-370,	elections, declarations of candidacy, filing time, when name placed on ballot.....	667
Amending §24-150,	Governor's office, how filled in case of vacancy	757
Amending §24-158,	justices of the peace, appointment or election of additional in Isle of Wight and Nansemond Counties	836
Amending §24-345.3,	elections, declarations of candidacy, when filed, including county and city offices in certain exceptions, when notices and petitions filed with Board.....	592
Amending §26-17,	fiduciaries' accounts, including within provisions certain trustees and receivers	96
Adding §26-20.1,	decedents' estates, prescribing conditions under which personal representative may	

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		Page
CODE OF 1950—Continued		
	deliver estate to himself as distributee or legatee	668
Amending §26-40,	fiduciaries, investments by, deleting provisions prohibiting guardian of minor investing for more than six months in certificates of deposit and savings account except by approval of court	897
Amending §§28-39, 28-43, 28-44, 28-45, 28-57.1, 28-61, 28-71, 28-93.1, 28-95, 28-99, 28-100, 28-103, 28-108, 28-110, 28-123, 28-124, 28-136, 28-137, 28-137.1, 28-141, 28-142, 28-157, 28-170, 28-171, 28-172, 28-178, 28-187, 28-188, 28-191, 28-195, 28-201.1,		
Adding §§28-45.01, 28-162.1, 28-201.4,		
Repealing §§28-102, 28-144, 28-163, 28-164,	fish, oysters and shellfish, collection of licenses, rentals and fines, fees, fishing licenses, size of fish, herring provisions, nonresidents, oyster provisions, etc.	807
Adding §28-57.2,	fish, oysters and shellfish, haul seines in Diascund Creek, lawful to use	891
Amending §28-148,	fish, oysters and shellfish, not taking oysters by dredging, including John's Rock and Klondike Rock in exceptions	298
Amending §29-5,	game and inland fisheries, per diem of members of Commission	908
Amending §29-32,	game and inland fisheries, game wardens, general police power while in performance of duties on properties owned or controlled by Commission	847
Amending §§ 29-37, 29-68.1,	game and inland fisheries, reports filed by special and regular game wardens, license	

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UNIVERSITY OF MINNESOTA

CODE OF 1950—Continued

		Page
	certificate executed by licensee (deleted amendment in § 29-68.1)	848
Amending §§29-53, 29-54, 29-55,	game and inland fisheries, license fees to hunt and fish, to hunt, and only to fish	874
Adding §29-55.2,	game and inland fisheries, trip fishing licenses for trout fishing in Shenandoah National Park	133
Amending §29-57,	game and inland fisheries, hunting, trapping and fishing licenses, to include certain members of armed forces	844
Amending §29-122,	game and inland fisheries, special stamp to hunt bear, deer and turkey, deleting certain provisions and increasing fee	876
Amending §§29-126, 9-62,	game and inland fisheries, copies of regulations filed with Division of Statutory Research and Drafting, Commission excluded within Administrative Agencies	846
Amending §§29-129.1, 29-132,	game and inland fisheries, Commission, power to prescribe bag limits and seasons, classifying "birds introduced by Commission" as to migratory game birds	845
Amending §§29-135, 29-136, 29-138, 29-150,	game and inland fisheries, Commission fixing seasons, specifying certain game birds, animals and fish which may be taken, etc., not to conflict with local acts	906
Amending § 29-145.1,	game and inland fisheries, deer damaging fruit trees or crops, killing, disposition, including Surry County in provisions	133
Amending §29-148,	game and inland fisheries, fishing with "fish traps" and "fish pots" and haul seines in Meherrin River in Lunenburg County	132
Adding §29-158.2,	game and inland fisheries, shooting preserve licensees dressing, packing and selling bobwhites, quail or partridges	134
Adding §29-161.1,	game and inland fisheries, trapping game birds and selling or possessing unlawful, penalty	185
Amending §29-184,	dog licenses, increasing by ordinances, minimum age limits for which licenses shall not be required from four months to not exceeding six months	376
Adding §29-184.1:1,	dogs, license taxes in Hampton, disposition of fund	51
Amending §29-184.2,	dog wardens, appointment in same manner as other county employees in Arlington and Fairfax Counties, disposition of funds	39
Amending §29-184.2,	dog wardens, how appointed in Arlington and Fairfax, compensation in Wise, contracting with other counties as to enforcement of laws, including Washington County within provisions of section	656
Amending §29-184.3,	dog laws, enforcement by dog wardens, including Spotsylvania within provisions	414

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Page

CODE OF 1950—Continued

Amending §29-202, dogs killing livestock and poultry, compensation, including Smyth and Wythe, special provisions in Sussex and Greene..... 183

Amending §30-5, General Assembly, officers and members, continuance or time for filing pleading, etc. including employees and employees of Division of Statutory Research and Drafting 157

Amending §30-19.2, General Assembly, inspection tours of State agencies by members 881

Amending §§32-148, 32-153, 32-154, maternity hospitals, structural requirements, patients' charts, examination of employees 316

Amending §§32-195.1, 32-195.2, 32-195.8, 32-195.16, Repealing §§ 32-195.6, 32-195.7 hospitalization, medical and surgical service plans or contracts by hospitals and physicians, prescribing applicable insurance laws, rates not fixed by Corporation Commission 416

Amending §§32-220, 32-222, hospital authorities, including nonprofit or charitable hospitals, commissions, number and term..... 361

Amending §32-294, hospitals, contracts for care of indigents, Welfare Board to promulgate uniform eligibility standards 196

Repealing §§32-322 –32-353.3, Adding §§32-353.4 –32-353.31, vital statistics, revising, rearranging and recodifying laws relating thereto 706

Amending §32-392, State Nursing Training Facilities Construction Act, defining "Nonprofit" hospital and "Nurse Training Facility"..... 731

Amending §33-3, highways, "acting State Highway Commissioner", appointment, duties, salary..... 336

Amending §33-15.1, highways, Commission furnishing information regarding certain right of way transactions, when released 413

Adding §§33-57.2, 33-59.1, 33-60.1, 33-60.2, 33-60.3, 33-62.1, 33-63.1, 33-65.1, 33-67.1, 33-67.2, Amending §§33-58, 33-59, 33-64, 33-65, 33-67, Repealing §§33-60, 33-62, 33-63, highways, powers of State Highway Com-

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CODE OF 1950—Continued		Page
	missioner as to eminent domain, revising procedure, and granting rights to certain municipal corporations	763
Adding §§33-117.2 –33-117.4,	highways, acquiring entire tract of land when portion needed, procedure, disposal of residue	851
Amending §33-255.41,	Richmond-Petersburg Turnpike Authority, evidence as to rules and regulations, changing date for making annual report	740
Amending §§33-298, 33-302, 33-317, 33-321, Adding §§33-317.1 –33-317.3,	outdoor advertising, definitions, signs, etc., special provisions pertaining to National System of Interstate and Defense Highways	640
Amending §34-29,	garnishment, exemptions of wages and salaries of laboring man or woman who is head of household, schedule of minimum and maximum exemptions	773
Amending §35-3,	hotels, inns, etc., notice wherein oxygen consuming fuels are used for heating bedrooms	406
Amending §35-3.1,	gas burning heaters in hotels, inns, houses of entertainment or other house, not using in sleeping quarters	197
Amending §35-25,	restaurants, definition to include catering services	198
Adding §36-11.2,	housing authorities, appointing commissioners to act in lieu of members of councils in certain cities	908
Repealing §36-19.3,	housing authorities, limitations as to construction contracts in Charlottesville, referendum	299
Adding §36-19.4,	housing authorities, elections as to certain cooperation agreements in Portsmouth	762
Adding §§ 36-55.1 –36-55.6	Redevelopment and Urban Renewal Authority, creating in Arlington County	782
Amending §§37-1.1, 37-5,	Hospital Board, definition of "colony", deleting Petersburg Training School Hospital, continuing Petersburg Training School	135
Repealing §§ 37-10 –37-12,	Hospital Board, abolishing provisions as to appointment and salaries of resident officers, except Superintendents	329
Amending §§37-34.2:6, 37-34.2:7,	Hospital Board, surplus property, lease in lieu of sale	329
Amending §37-37,	Hospital Board receiving gifts, bequests and endowments	136
Amending §§37-125.1, 37-125.5,	insane, etc., increasing limitation as to expenses and contracts for care of inmates	594
Amending §37-128,	Hospital Board, boarding patients in private homes, liability of Board as to costs	593
Adding §37-230.1,	insane, etc., disposal of unclaimed personal property of inmates after 3 years	595

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CODE OF 1950—Continued

		Page
Amending §§37-254, 37-259, 37-260, Adding §§37-258.1 –37-258.3,	insane, etc., Hospital Board licensing persons to establish, maintain and operate or have charge of private institutions, revocation and suspension procedure, violations.....	771
Amending §38.1-44,	insurance, assessments for administration of insurance laws, exempting mutual assessment fire insurance companies.....	355
Amending §38.1-91,	insurance, domestic companies, requirements to do business, not applicable to domestic mutual assessment fire insurance companies	352
Adding §38.1-92.1,	insurance companies, providing method for volunteer increase in guaranty funds.....	353
Amending §38.1-108,	insurance, deposits or surety in lieu, exempting domestic mutual assessment fire insurance companies	865
Amending §38.1-192,	insurance, domestic insurers investing in obligations of agencies of U. S.....	123
Amending §38.1-208,	insurance, investment secured upon real property, limitation, extending as to single family residences	125
Repealing §38.1-286,	insurance, premiums on contracts, when collected, abolishing provisions	123
Amending §38.1-291,	insurance, provisions as to resident agents, exempting certain mutual assessment fire insurance companies and certain bid bonds by surety companies	864
Amending §38.1-291,	insurance, agents and brokers, exempting from countersignature requirements, including certain bid bonds	125
Amending §38.1-296,	insurance, agents, certificates of qualification, omitting certain mutual assessment fire insurance companies	353
Amending §38.1-296,	insurance agents, certificates of qualification, including baggage insurance sold by agents of railroad, steamship, aeroplane and bus companies	348
Repealing §38.1-301.6,	insurance, life agents, abolishing provision as to certificate of qualification to applicants previously licensed	346
Adding §§38.1-314.1 –38.1-314.16,	insurance, surplus lines brokers, provisions for licensing, how policies procured	785
Adding §38.1-363.1	insurance, fire insurance policies, excluding loss or damage caused by nuclear reaction or such	126
Amending § 38.1-378,	insurance, fire insurance policies, provisions, exempting certain mutual assessment fire insurance companies	
Amending §38.1-381,	insurance, motor vehicle liability policies, provisions, effect under Workmen's Compensation Act	721
Amending §38.1-381.1,	insurance, motor vehicle policies, notice of cancellation by certified mail	132
Amending §§38.1-424, 38.1-426 –38.1-428,		

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CODE OF 1950—Continued

		Page
Adding §§38.1-424.1, 38.1-426.1, 38.1-427.1, 38.1-428.1 –38.1-428.4,	insurance, group life insurance policies, standard provisions, revising laws	342
Amending §38.1-436,	insurance, life insurance contracts with minors not less than fifteen	40
Amending §§38.1-472, 38.1-475, 38.1-476, 38.1-477, 38.1-479, 38.1-480, Adding §§38.1-472.1, 38.1-476.1, Repealing §§38.1-473, 38.1-474, 38.1-477.1, 38.1-477.2, 38.1-478, 38.1-481,	insurance, group life insurance, revising laws	337
Adding §§38.1-482.1 –38.1-482.16,	insurance, credit life insurance and credit accident and sickness insurance, special provisions to facilitate and control	85
Amending §38.1-617, Repealing §§38.1-605, 38.1-608, 38.1-622,	insurance, fraternal benefit societies, how assets held, invested and disbursed	201
Amending §38.1-659,	insurance, "mutual assessment fire insurance", to include certain miscellaneous property	354
Amending §40-34,	labor, work hours of women, excepting from provisions employees in certain manufacturing establishments in connection with a rotating shift schedule	375
Amending §40-35,	labor, females, exempting from provisions as to work hours, women doing certain amateur photographic film work after certain holidays	302
Amending §§40-96, 40-97, 40-100, 40-100.6, 40-101, 40-102, 40-104 –40-111, 40-114, 40-116, 40-118,		
Adding §40-100.4:1	child labor, type of work, age limits, work hours, employment certificates, etc	683
Amending §§40-126, 40-127,	labor, apprentices, definition and agreements as to amount of instruction	401
Amending §42-26,	libraries, grants by State, increasing maximum for certain regional libraries	306
Amending §42-28,	libraries, State Board supplying professional supervision and aid to certain libraries	307

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Page

CODE OF 1950—Continued

Amending §42-55, State publications, copies furnished by Director of Department of Purchases and Supply to State Library 152

Adding §43-4.1, liens or other documents, recordation in deed book in lieu of miscellaneous lien book, indexed in general index of deeds 104

Amending §43-34, liens, enforcement of liens of innkeepers, garages, and mechanics, notice to lien holder as to sale of motor vehicle 877

Amending §§45-26, 54-24, 54-98, 54-260.13 54-295.7, 54-341, 54-395, 54-398.12, 54-741, 54-789 State Boards of Examiners, increasing per diem, use of funds from fees by veterinarians 65

Amending §46.1-3, motor vehicles, sale of abandoned vehicles, funds deposited in local general fund, owner may claim within 3 years 98

Amending §46.1-3, motor vehicles, abandonment on private property, removal, written consent, proceeds of sale to general funds, owner may claim within 3 years 214

Amending §§46.1-12, 46.1-58, 46.1-107, motor vehicles, equipment, eliminating reports as to certain radio equipment, suspension of licenses for improper equipment, including safety glass, deleting height requirements as to license plates 127

Amending §46.1-14, motor vehicles, renting vehicles for more than 30 days, notice to Commissioner 151

Amending §46.1-36, motor vehicles, Commissioner destroying unnecessary papers or records 128

Amending §46.1-58, motor vehicles, suspension of registration for improper equipment, including safety glass 127

Amending §46.1-64,
Repealing § 46.1-158,
Adding §46.1-158.1, motor vehicles, name and address of owner of those of certain weights, including certain "for hire" vehicles, exceptions.... 100

Amending §46.1-107, motor vehicles, how license plates fastened, deleting height provisions 127

Amending §46.1-121, motor vehicles, dealers' temporary licenses, not construed as registration of vehicle 319

Amending §46.1-149, motor carriers of passengers, fees, weights used for computing 312

Repealing §46.1-158,
Adding §46.1-158.1,
Amending §46.1-64 motor carriers, name and address of owner of those of certain weights, including certain "for hire" vehicles, exceptions..... 100

Amending §46.1-163, motor vehicles, service or wrecking vehicles treated as private vehicles as to registration fees 129

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Page

CODE OF 1950—Continued

Amending §§46.1-167.1 –46.1-167.5, motor vehicles, registration of uninsured vehicles, certificates of insurance, etc., revising sections 199

Amending §46.1-180, motor vehicles, speed limits, temporary reduction by ordinances of cities and towns while working on 184

Adding §46.1-180.2, motor vehicles, county ordinances regulating traffic in Arlington County for protection of school children..... 613

Amending §46.1-190, motor vehicles, reckless driving, failure to stop at a school bus whether publicly or privately owned or whether transporting children to public or private school..... 801

Amending §46.1-193, motor vehicles, speed limits, 60 miles an hour on certain four lane highways for certain vehicles, exceptions as to 55 mile limit, posted signs evidence as to investigations, excepting school buses as to minimum speed 161

Amending §46.1-197, motor vehicles, operators' and chauffeurs' licenses, suspension mandatory when speed limit is exceeded by more than five miles for second and subsequent offenses in one year 170

Amending §46.1-216, motor vehicles, backing, signals for..... 124

Amending §46.1-225, motor vehicles, yielding right of way to volunteer fire company vehicle, rescue vehicles and ambulances 876

Amending §46.1-250, motor carriers, buses or trucks not stopping on highways outside of cities and towns to discharge cargo or passengers, excepting school buses 324

Amending §§46.1-255, 46.1-256, 46.1-265, 46.1-267, 46.1-268, 46.1-287, motor vehicles, flares and other signals on disabled vehicles, dimension or marker lights, permissible lights, number, warning lights, warning devices on school buses 164

Amending §§46.1-267, 46.1-285, 46.1-319, motor vehicles, lights and sirens on privately owned vehicles of members of volunteer fire departments 599

Amending §§46.1-290, 46.1-301, motor vehicles, equipment, rear fenders, flaps or guards, exhaust system..... 128

Adding §46.1-291.1, motor vehicles, unlawful suspension of objects obscuring driver's view 128

Amending §§46.1-293, 46.1-308, 46.1-311, 46.1-313,

Adding §46.1-308.1, motor vehicles, equipment and devices, safety glass requirements, illegal possession or sale of unapproved equipment, certificates of approval, etc. 130

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Page

CODE OF 1950—Continued

Amending §46.1-328, motor carriers, width and size, exempting certain passenger buses in Fairfax County 907

Amending §46.1-334, motor vehicles, loads extending beyond the sides 348

Adding §46.1-342.1, motor vehicles, ordinances in Henrico and Arlington Counties for certain weight limits, assessment of liquidated damages 282

Amending §46.1-343, motor carriers hauling coal, excessive size and weights, permits, extending dates 292

Amending §§46.1-350, 46.1-351, 46.1-362, 46.1-417, 46.1-421, motor vehicles, licenses suspended or revoked, persons convicted of certain crimes, etc., conforming to revision of Title 18 495

Amending §46.1-351, motor vehicles, driving while vehicle license suspended or revoked and restoration contingent on proof of financial responsibility, increasing penalty 166

Amending §46.1-357, motor vehicles, operators' licenses to minors, prohibiting those under 18 driving on streets, roads and highways in cities, including Arlington County 122

Amending §46.1-357, motor vehicles, operators' and chauffeurs' licenses, licenses to minors, revalidation each year until eighteen 665

Amending §§46.1-367, 46.1-437, motor vehicles, operators' and chauffeurs' licenses, suspension or revocation, appeal, operation pending appeal, stay of order 802

Amending §46.1-378, motor vehicles, operators' and chauffeurs' licenses, special restrictions on particular licenses 187

Amending §46.1-382, motor vehicles, operators' and chauffeurs' licenses, limiting extension granted to members of armed forces 187

Amending §46.1-383, motor vehicles, operators' and chauffeurs' licenses, examination of those believed incompetent, effect 212

Amending §46.1-413, motor vehicles, records of conviction, cases of civil judgments, copies sent to Commissioner 188

Amending §46.1-423, motor vehicles, speeding in excess of 65 or 75 miles, denial of privilege of operating vehicle for certain period 211

Amending §46.1-428, motor vehicles, suspension of licenses of committed person, termination by statement executed by person in charge of institution 375

Adding §51-28.1, retirement and pension systems, last-survivor annuity in lieu of retirement salary for certain judges and members of Corporation and Industrial Commissions 213

Adding §51-29.7:1 retirement and pension systems, clerks of Senate and House of Delegates, last-survivor annuities in lieu of retirement salary 407

Amending §§51-111.10, 51-111.11, 51-111.16, 51-111.29,

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CODE OF 1950—Continued		Page
51-111.34, 51-111.38, 51-111.38:3, 51-111.46, 51-111.47, 51-111.55 –51-111.59, 51-111.62, 51-111.63, Adding §§51-111.38:10 –51-111.38:16, 51-111.41:1, 51-111.58:1 51-111.67:1 –51-111.67:13	Retirement System, Va. Supplemental, definitions, including judges of county courts, and certain employees of Army or Air National Guard, local systems, prior service credits, survivor benefits for certain State and local employees and officers, etc.	920
Amending §§51-111.22, 51-111.27, 51-111.31, 51-111.32, 51-111.33,	Retirement System, Va. Supplemental, actuarial investigations and valuations, persons composing membership, and participation of localities	618
Adding §51-111.41:1,	Retirement System, Va. Supplemental, service credits for justices of the peace	411
Adding §51-111.41:1,	Retirement System, Va. Supplemental, prior service credits for service as a trial justice or judge of county court	395
Amending §51-111.55,	Retirement System, Va. Supplemental, early retirement allowances, increasing	149
Amending §51-112,	retirement and pension systems of cities and towns, making applicable to counties	639
Amending §51-114.2,	retirement and pension systems in counties and cities established prior to 1/1/59, reimbursement by State	756
Amending §51-131,	State Police Retirement System, basis on which officer who rejected membership may be credited with certain prior service	865
Amending §52-21,	Police, State, arrests by, conforming to revision of Titles 46 and 19	565
Repealing §53-97,	prisons, etc., abolishing provision as to allowance for work done by misdemeanants at State farms	107
Amending §53-103,	Convict Road Force, deleting provision as to payment of allowances for work	682
Amending §53-109.1,	Convict Road Force, deleting provisions as to payments to Director by Highway Commission certain funds for capital outlay projects	706
Amending §53-142,	prisoners, commitment to jails of other counties or cities for safekeeping, conforming to revision of Title 19	565
Amending §53-188,	jail farms of counties and cities, compensation, deleting provision as to consideration of value of prison labor	654
Adding §53-198.1,	prisons, etc., offenses committed by jail farm prisoners, jurisdiction of courts	351

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Page

CODE OF 1950—Continued
Repealing §53-276, motor vehicles, driving under influence of intoxicants, abolishing provision as relating to suspension of jail sentence for second offense 497
Amending §53-293, convicts committing offenses, penalties, omitting separate penalty when confined for life 705
Amending §54-1, State agencies filing copies of examinations with Secretary of Commonwealth, exempting Board of Veterinary Examiners 16
Amending §§54-24, 54-98, 54-260.13, 54-295.7, 54-341, 54-395, 54-398.12, 54-741, 54-789, State Boards of Examiners, increasing per diems, use of fund from fees by veterinarians 65
Amending §54-31, land surveyors to pay same annual renewal fee as architects and professional engineers 17
Adding §54-44.2, attorneys at law examining records in offices of clerks of courts, deemed to have used reasonable care as to correctness of indexes 696
Adding §54-50.1, attorneys at law, forfeit of license on failure to pay fees to Va. State Bar for two successive years 109
Amending §54-58, Bar Examiners, increasing compensation..... 719
Amending §§54-60, 54-61, 54-62, 54-62.1, 54-66,
Repealing §54-61.1 bar examinations, requirements, rules specified by Board, affidavits, etc..... 568
Amending §§54-89, 54-93, certified public accountants, certification requirements, when examinations may be waived 194
Amending §54-260.25, embalmers and funeral directors, examinations, exempting certain persons hospitalized in a veterans' hospital due to service-connected disability 415
Amending §54-273, healing arts, definition of "physical therapy", exceptions to application 333
Amending §§54-298, 54-299, 54-310, healing arts, contents of examinations, certificates to applicants out of State and to practice physical therapy 395
Amending §§54-307, 54-308, 54-308.5, 54-310, 54-310.1, healing arts, fees for examinations, requirements for admission to examination on chiropody and physical therapy, certifi-

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CODE OF 1950—Continued			Page
		cates to applicants out of State, certificate to practice physical therapy without examination	397
Amending	§54-441,	dangerous drugs, excluding certain drugs not used for human consumption	661
Amending	§54-446,	Dangerous Drug Law, increasing penalties for violations	129
Adding	§54-446.1,	Dangerous Drug Law, burden of proof as to certain provisions	106
Amending	§54-513,	drugs and druggists, prohibiting obtaining narcotic drugs by fraud, deceit or forgery, to include certain other medicinal preparations	913
Amending	§54-750,	real estate brokers, qualifications for license, including certain experience	323
Amending	§54-767,	real estate salesmen and brokers, bonds required by counties, cities and towns, increasing	830
Amending	§54-788.1,	veterinarians, increasing fee for examinations	17
Repealing	§§54-793, 54-794,		
Amending	§58-286,		
Repealing	§§58-285, 58-287, 58-288, 58-288.1,	auctioneers, uniform license tax, abolishing classifications	160
Amending	§55-24,	deeds of trust, sales under, time for objections to irregularities in advertising, validating those prior to 1/1/40	119
Adding	§55-58.1,	"security trusts", defining, trustees thereof to be resident or a corporation to have principal office in State, recordation or docketing, evidence	873
Amending	§55-59,	deeds of trust, sales under, advertising by trustee, validating sales held too early	8
Amending	§55-130	acknowledgments to deeds and other writings prior to 2/1/60 taken by notaries in foreign countries, validating	351
Adding	§§55-210.1 –55-210.30,	Uniform Disposition of Unclaimed Property Act, enacting	385
Amending	§55-276,	life estates, guardian ad litem for those under disability, appointment by clerk or judge, validating prior orders and decrees	51
Amending	§56-281,	motor carriers, certificates of public convenience, defining "commercial zone operation"	880
Amending	§56-284,	motor carriers of passengers carrying parcels of certain weights	690
Amending	§56-304.11,	motor carriers, unlawful use of classification plate, identification marker or assigned number, penalty	371
Amending	§56-334,	motor vehicles, enforcement of laws, summons by agent, inspector or investigator, to include State Police officer	91
Amending	§§56-338.8, 56-338.12, 56-338.14,	motor carriers, household goods, certificates of public convenience	377

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CODE OF 1950—Continued		Page
Adding §§56-338.50 –56-338.64, Repealing §56-285,	motor carriers, Special or Charter Party Carriers, regulations by Corporation Commission	838
Amending §56-405,	railroad crossings, no obligation to railroad if crossing relocated or highway approaches widened or reconstructed	850
Amending §57-26,	cemeteries, restrictions as to establishing in cities and towns, including counties within provisions, exceptions as to interment in churchyards or private property	171
Amending §58-12,	taxation, exempting property of Virginia Home for Incurables from local taxation	611
Repealing §58-17,	taxation, abolishing provisions exempting manufacturing establishments in what was Elizabeth City County	767
Repealing §58-18,	taxation on income of corporations, abolishing provisions as to corporations doing no business in State	696
Amending §58-32,	taxation, Tax Commissioner's office, traveling expenses, deleting "while absent from Richmond", and "to be sworn to by persons incurring them"	406
Adding §58-67.1,	taxation, localities imposing tax on probate of wills or grants of administration	64
Amending §58-81,	taxation, income taxes, deductions as to disability, medical, dental, etc., expenses at 65 or over, limitations	379
Adding §58-86.6,	taxation, income taxes of corporations, liquidation, when no gain or loss recognized from sale or exchange	317
Amending §§58-101, 58-121,	taxation, income taxes of individuals and taxes on income from trusts and estates, nonresident provisions	942
Amending §§58-128, 58-373, 58-443, Repealing §58-461,	taxation, what corporations to pay income taxes, exceptions, substituting saving and loan associations in lieu of building and loan associations, also as to franchise and license taxes	620
Amending §§58-128, 58-129, 58-131, 58-131.1, 58-134, 58-148, 58-151, 58-418 Adding §§58-131.2 –58-131.18, Repealing §58-18	taxation, income taxes of corporations, domestic corporations, and definitions; allocation and apportionment of net income from corporate business taxable within and without the State, abolishing as to corporations doing no business in State	696
Amending §58-153,	taxation, inheritance taxes, computation of property passing to a beneficiary, exempting certain U. S. annuities	849

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CODE OF 1950—Continued		Page
Amending §§58-266.2, 58-266.3,	taxation, county license taxes for businesses, trades, etc., in certain counties, including Roanoke and Pittsylvania Counties, limitation as to taxes in towns in counties	861
Amending §58-268,	taxation, license taxes on amusement parks, no separate license tax for certain coin-operated devices	384
Amending §58-286 Repealing §§58-285, 58-287, 58-288, 58-288.1, 54-793, 54-794,	auctioneers, uniform license taxes, abolishing classifications	160
Amending §§58-355, 58-362,	taxation, license taxes on vending machines, including coin change-making machines but exempting those on premises of licensed retail merchants	62
Amending §58-371.2,	taxation, licenses to professional bondsmen, qualifications, certification as to moral character, etc.	831
Amending §58-411,	taxation, intangible personal property, capital, including insurance policies on life of any person	412
Amending §§58-425 –58-427, 58-434, 58-435, 58-440, 58-441,	taxation, intangible personal property, returns, time for filing, assessment of taxes, sheets and forms, accelerating time for payment	798
Amending §§58-476, 58-476.1, 58-481, Adding §§ 58-476.2 –58-476.6, Repealing §§ 58-477, 58-477.1, 58-478, 58-478.1, 58-483,	taxation by cities and towns on stocks of banks and trust companies having branches, payments out of State treasury to certain counties, records of deposits thru branches, etc.	399
Amending §58-494,	taxation, exempting from license taxes certain mutual assessment fire insurance companies	716
Amending §§58-524, 58-526,	taxation, railroads and canal corporations, property reports and reports of gross transportation receipts, when lien of State attaches	409
Amending §§58-628, 58-629, 58-711, 58-715, 58-730,		

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			Page
CODE OF 1950—Continued			
	58-744,		
Adding	§58-757.1,	motor fuels, taxes on, increasing and creating special fund, "The Primary and Secondary Highway Emergency Fund"	916
Amending	§58-687,	Motor Fuel Tax Act, definition of "Used in this State"	300
Amending	§58-712,	motor fuels, taxes, exempting certain dealers, selling in bulk lots for use of State or political subdivisions	719
Amending	§§58-715, 58-732, 58-733, 58-744,		
Adding	§58-753.3,	motor fuels, including aviation fuels, refunds, definitions, etc.	614
Amending	§58-716,	motor fuels, refunds, ticket issued to holders of courtesy card deemed paid ticket or invoice	774
Amending	§58-792.1,	reassessment in certain counties, extending time, including Prince George and Campbell	112
Adding	§58-792.3,	reassessment in Henry County, extending time	121
Adding	§58-792.5,	reassessments, extending time in certain counties	408
Amending	§58-811.1,	assessment of new buildings and extending time for payment	657
Amending	§§58-822 –58-824,	taxation, property of taxpayer given or sold to church or religious body, credits, certificate by clerk, relief	61
Amending	§58-829,		
Adding	§§58-829.2, 58-829.3,	taxation of tangible personal property, separate classification as to certain boats and vehicles without motive power used as homes or offices	659
Adding	§§58-831.1, 58-831.2,	taxation, local taxation of certain tangible personal property leased to agency of Federal government	310
Amending	§58-884,	taxation, personal property books, commissioners of revenue, penalty for failure to deliver copies within certain time	53
Adding	§58-943.3,		
Amending	§58-945,	county-owned securities, holding by custodians, deposit of securities pledged by depositories and custodians	111
Amending	§58-951,	taxation, county depositories and Finance Board, disbursement by treasurers of money deposited, designating one or more deputies to sign checks	833
Amending	§58-1010,	taxation, collection out of estate in hands of or debts due by third party, summons	879
Amending	§§58-1142, 58-1152.1,	taxation, erroneous assessments, correction of clerical error or calculation without petition and no time limits, refunds not made after lapse of three years	852
Adding	§59-101.2,	forestry, standard rule for measurement of trees and logs, establishing	311

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Page

CODE OF 1950—Continued
Amending §§60-10, 60-26, 60-42, 60-44, 60-45.2, 60-47, 60-67, 60-68, 60-70 –60-73.1, 60-75, 60-76.2, unemployment compensation, changing name to Virginia Employment Commission, definitions, benefit amounts and rights, eligibility, contribution rates, credits, etc. 138

Amending §§60-92, 60-96,

Adding §60-94.1, Unemployment Compensation and Administration Funds, expenditure for administrative purposes under certain conditions 56

Amending §61-132, tobacco warehouses, duties and liabilities of samplers and proprietors, insurance provisions 208

Amending §62-1, waters of the State, ownership of beds of bays, creeks and shores, Commission of Game and Inland Fisheries to control land under Back Bay, its tributaries and the North Landing River from the N. C. line to North Landing Bridge 861

Adding §62-2.1, waters of the State, authority for use of subaqueous beds 914

Amending §§62-106.7, 62-106.8, Va. State Ports Authority, powers as to expenditures of State funds and leasing property 114

Amending §62-183, waters of the State, unlawful dumping garbage or refuse, dirt, rocks, etc..... 315

Amending §62-190, waters of the State, obstructing Louisa fork of Big Sandy River, substituting "Levisa" fork and making unlawful to dump dirt, stone, coal, etc., on banks or in channels 324

Amending §§63-73, 63-241, 63-351, 16.1-178, welfare, local boards placing children in homes, authority to place for adoption, consent by local board, probation, etc. 392

Amending §§63-78, 63-96, welfare, local boards, terms of office, retirement at 70, duties of local superintendents 216

Amending §63-101, welfare, aid to dependent children, blind, totally disabled and old age assistance, to include hospitalization 597

Adding §63-127.1, welfare, old age assistance, execution of deeds of trust by recipients, redemption and foreclosure 912

Amending §§63-135, 63-136, 63-157, 63-158,

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CODE OF 1950—Continued Page

63-199, 63-200, 63-212, welfare, old age assistance, aid to dependent children, aid to the blind, general relief, no action to force local payments if local budget approved by Commissioner 693

Amending §63-369.1, welfare, wards in foster homes, allowances for work done 611

Amending §63-373.1, juvenile delinquents, offenses committed while in custody of Welfare Department, transfer to other courts for trial 215

Amending §64-70, decedents' estates, interest of the testator's pretermitted children in certain estates 834

Amending §64-126, decedents' estates, appointing appraiser if exceeds $1,000 755

Amending §64-140, decedents' estates, validating certain conveyances by foreign executor, signing and acknowledging by an ancillary administrator 347

Amending §65-4, Workmen's Compensation, definition of "employee" to include clerks of juvenile and domestic relations courts 158

Adding §65-10.1, Industrial Commission, bailiff, powers and duties 352

Amending §§65-38, 65-39,

Adding §65-39.1, Workmen's Compensation, attorneys' fees, apportionment in certain compensation cases involving third party 108

Amending §65-49, Workmen's Compensation, occupational diseases, limitation of claims for 356

Amending §§65-51, 65-52, 65-62, 65-68, Workmen's Compensation, increasing benefits for total incapacity, partial incapacity, death, limitation as to total compensation 863

Amending §65-66, Workmen's Compensation, termination of dependency as to minor dependent 357

Amending §65-85, Workmen's Compensation, medical attention, extending period on approval of a member of the Industrial Commission 890

Amending §65-85, Workmen's Compensation, medical attention, including proper fitting and training in use of certain appliances 702

Amending §65-85, Workmen's Compensation, medical attention, extending time 365

Amending §65-90, Workmen's Compensation, agreements as to payment of compensation, compromising of claim binding 357

COLONIAL BEACH

Charter, new 328

COLONIAL HEIGHTS

Charter, new, repealing 1950 Act 220

COMMISSIONERS OF THE REVENUE

City commissioners, increasing maximum salary brackets 10%, adding § 14-70.2 658

County commissioners, increasing maximum salary brackets 10%, adding § 14-71.3 658

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Page

COMMISSIONS, LEGISLATIVE, AD INTERIM
See STUDY COMMISSIONS and VIRGINIA ADVISORY LEGISLATIVE COUNCIL

COMMONWEALTH NATURAL GAS CORPORATION
Commission of Fisheries granting certain easement of right of way under James River near Hog Island between the counties of Surry and James City 409

COMMONWEALTH'S ATTORNEYS
Appointment of assistants in Portsmouth..... 56
Salaries, increasing maximum salary brackets 10%, adding § 14-66.2 805

COMPTROLLER, STATE
Annual reports to Governor on or before 15th day of August, amending § 2-175 106
Appointment of agents to collect debts due State and for purchase and sale of land, abolishing provisions, repealing §§ 8-780 thru 8-788 106
Destruction of certain records over two years old after microfilming, abolishing as to keeping accounts of certain agencies, amending §§ 2-174, 2-193, repealing §§ 2-164, 2-171..... 310

CONDEMNATION
See EMINENT DOMAIN

CONFEDERATE MEMORIAL ASSOCIATIONS AND U. D. C. ORGANIZATIONS
Appropriation for marking graves of Confederate soldiers and sailors and caring for cemeteries 402

CONSERVATION AND ECONOMIC DEVELOPMENT
Appropriation to Department, certain unexpended balance in 1956 Appropriation Act and reappropriated in 1958 Appropriation Act for erosion control at Colonial Beach 327
Authorizing Department to expend funds for information centers at entrance into State of federal interstate highways..... 908
Department of, Division of Industrial Development, adding "and Planning" to title, amending §§ 10-8.1, 10-118, 10-119, 10-130..... 173

CONSERVATORS OF THE PEACE
Appointment at hospital or colony under State Hospital Board, duties, amending § 18-17..... 330

CONSTITUTION OF VIRGINIA
Adding § 50-a, meetings of General Assembly in case of enemy attack (first reference), H. J. R. 33 1070
Amending §§ 1 and 2 of Article XVII, voting by members of armed forces (second reference), S. J. R. 13 1069
Amending §§ 1 and 2 of Article XVII, voting by members of armed forces, submitting to qualified voters..... 136
Amending § 20, who may register (first reference), H. J. R. 63..... 1074
Amending § 30, property qualification for voting (first reference), H. J. R. 64 1075
Amending §§ 110, 118, 119 and 120, county and city officers (second reference), H. J. R. 34 1071
Amending §§ 110, 118, 119 and 120, county and city officers, submitting to qualified voters 758

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Page

DECEDENTS' ESTATES
Appointing appraiser if estate exceeds $1,000, amending § 64-126..... 755
Interest of the testator's pretermitted children in certain estates, amending § 64-70 834
Life estates, appointment of guardian ad litem by judge or clerk for those under disability, validating prior orders or decrees, amending § 55-276 51
Prescribing conditions under which personal representative may deliver estate to himself as distributee or legatee, adding § 26-20.1 668
Tax on probate of wills or grants of administration, imposition by localities, adding § 58-67.1 64
Validating certain conveyances of real estate by foreign executor, when conveyances in future valid, signing and acknowledging by an ancillary administrator, amending § 64-140..... 347
Va. State Bar and Va. State Bar Association to study whether laws relating to property rights of surviving spouse should be changed, H. J. R. 95 1084

DEEDS AND DEEDS OF TRUST
Initial service, investigation or processing charge as to certain real estate mortgages and deeds of trust for resale..... 691
Recordation and indexing, entering name of first listed trustee as grantee in lieu of beneficiary, amending § 17-79..... 156
Sales by trustees under deeds of trust, time for objections to irregularities in advertising, validating those prior to 1/1/40, amending § 55-24 119
Sales under deeds of trust, advertising by trustee, validating sales held too early, amending § 55-59 8
"Security trustees", defining, trustee thereof to have residence in State or as corporation to have principal office in State, recordation or docketing, adding § 55-58.1 873
Validating certificates of acknowledgments prior to 2/1/60 taken by notaries in foreign countries, amending § 55-130..... 351

DE HART, MR. RAY
Relief (payment from funds of Dept. of Mental Hygiene and Hospitals) 718

DELEGATES
List showing post office, residence, telegraph office and district represented 1119
Officials and employees 1122
Seating arrangement 1123

DENTAL AND MEDICAL SCHOLARSHIPS
Contracts, public health service or employee of Health Dept., reimbursement on later fulfillment of contract, amending §§ 23-35.3, 23-35.5 691

DEPOSITIONS
Judicial Council to study discovery procedure, H. J. R. 88..... 1082

DESERTION AND NONSUPPORT
Confinement on State Convict Road Force, amending § 20-61 345
Va. State Bar and Va. State Bar Association to study as to possible changes when obligor and obligee are not within same state, H. J. R. 95 1084

DINWIDDIE COUNTY
Clerk's office closing on Saturday with consent of judge and governing body, amending § 17-41 753

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Page

DISABILITIES TO HOLD OFFICE
Exempting U. S. government clerk acting as special policeman in county under appointment by court or judge, amending § 2-29..... 46

DIVORCE
Divorce from bond of matrimony, voluntary separation for 3 years, exception when service of process is by publication, amending § 20-91 121
Divorce, dissolution from bond of matrimony, for cause subsequent to date of marriage, waiting period pending appeal, validation of certain violations thereof, amending § 20-118 617
Merging decree of divorce from bed and board to decree for divorce from bond of matrimony, effect on restraining order or order for payment of costs, counsel fees, alimony or support money, amending § 20-121 23
Serving notices in suits for, including suits for annulling marriage within provisions, amending §§ 8-54, 8-76 21
Suits for, procedure for support of wife or child, amending § 20-79..... 99

DOGS
See GAME AND INLAND FISHERIES

DRUGS AND DRUGGISTS
Dangerous drugs, excluding certain drugs not used for human consumption, amending § 54-441 661
Dangerous Drug Law, burden of proof as to certain provisions, adding § 54-446.1 106
Dangerous Drug Law, increasing penalties for violations, amending § 54-446 129
Narcotic drugs, prohibiting obtaining by fraud, deceit, or forgery, to include certain other medicinal preparations, amending § 54-513.... 913

EASTERN STATE HOSPITAL
Authorizing to convey certain real estate to College of William and Mary and to authorize college to negotiate with Colonial Williamsburg for exchange of certain real estate..... 910

ECONOMY IN GOVERNMENTAL EXPENDITURES, COMMISSION FOR
Creating, appropriation 331
Directing Commission to consider programs in the several State sanatoria for tuberculars, S. J. R. 53 1092

EDUCATION
Commission on Public Education, continuing, H. J. R. 58 1080
Contributions to private schools, deducting from real estate and personal property taxes due counties, cities and towns, limitation.... 202
Counties, cities and towns acquiring singly or jointly, property for educational purposes by gift, purchase and condemnation, adding § 15-692.3 841
Counties, cities and towns appropriating and expending funds for educational purposes in the elementary and secondary education of children between the ages of six and twenty 721
County school funds, proration, prescribing towns' shares, amending § 22-141, adding § 22-141.1 837
"Forest reserve fund", expenditure by school board for public school purposes, amending § 22-119 723
Literary Fund loans to school boards for school construction on certain property, amending § 22-107.1 720
Local school boards, increasing salaries, repealing § 22-67, adding § 22-67.1 280

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Page

EDUCATION—Continued
Requesting State Board to study and take action as to safety of children taken on and discharged from school buses on divided highways, S. J. R. 45 1091
Special town school district of Bedford, town remaining special school district on dissolution, amending § 22-43.1 52
State Board, per diem and expenses, amending § 22-20 724
Television, counties, cities and towns providing for establishment and operation of educational stations, permissive 841
Town school district's share of school funds paid to town treasurer, amending §§ 22-133, 22-141 290
Tuition grants, abolishing provisions and enacting provisions to provide for State and local scholarships, repealing Ch. 53, Ex. 1959 Acts and §§ 22-115.22 thru 22-115.28 703

EDUCATIONAL INSTITUTIONS
Directing State Council of Higher Education to coordinate various aspects of admission applications and procedure relating to tuition fees and to make a study of tuition charges, H. J. R. 74..... 1082
Minors borrowing for education needs, liability as of adult if approved by certain educational associations, adding § 8-135.1 100
State Board to sell certain real estate of Virginia State College in Norfolk, use of proceeds 32
State Board to sell and convey to city of Petersburg all water rights owned by Virginia State College, proceeds into State treasury..... 717
State Education Assistance Authority, creating to encourage, foster and facilitate the industrial and economic development, appropriation 767

EFFECTIVE DATE OF ACTS
Note 1076

ELECTIONS
Application for registration, form may be provided by registration officer, deleting provision as to blank paper, amending § 24-68.... 352
Creating Commission on Registration, S. J. R. 52..... 1092
Declaration of candidacy, filing time, when name placed on ballot, amending §§ 24-131, 24-370 667
Declarations of candidacy, when filed, including county and city offices in certain exceptions, when notice and petition filed with Board, amending § 24-345.3 592
Governor's office, how filled in case of vacancy, amending § 24-150 757
Registration and reregistration of voters in Richmond City, repealing 1944 Acts and amendments 569
Voting by members of armed forces, amending §§ 1 and 2 of Article XVII of Constitution (second reference), S. J. R. 13..... 1069
Voting by members of armed forces, amending §§ 1 and 2 of Article XVII of Constitution, submitting to qualified voters..... 136
Who may register, amending § 20 of the Constitution, H. J. R. 63.... 1074

ELECTRIC FENCES
Unlawful use on land used for agricultural purposes, defining..... 593

ELKTON
Charter, amending 286

EMBALMERS AND FUNERAL DIRECTORS
Board of Examiners, per diem allowances, amending § 54-260.13..... 65
Examination, exempting certain persons hospitalized in a veteran's hospital due to service-connected disability, amending § 54-260.25 415

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EMINENT DOMAIN	Page
Arlington County, powers as to laying out, constructing, improving, and lighting streets and alleys, amending § 15-668.1	11
Condemnation of lands for water and sewer lines in sanitary districts, procedure, amending § 21-118	43
Counties, cities and towns acquiring property for drainage purposes, adding § 15-707.1	219
Directing VALC to continue study of laws, H. J. R. 38	1078
Laws pertaining to Highway Commission and Commissioner, revising procedure, and granting powers to certain municipal corporations, adding §§ 33-57.2, 33-59.1, 33-60.1, 33-60.2, 33-60.3, 33-62.1, 33-63.1, 33-65.1, 33-67.1 33-67.2, amending §§ 33-58, 33-59, 33-64, 33-65, 33-67, repealing §§ 33-60, 33-62, 33-63	763
EMPORIA	
Charter, amending	177
ERRATA	1131
ESSEX COUNTY	
Supervisors, clerk of board, compensation, amending § 15-239	107
EVIDENCE	
Admission of facts and genuineness of documents without formal proof in certain cases, adding § 8-111.1	725
Certified copies of statutes of U. S. or ordinances or resolutions of municipal corporations, including counties within provisions, amending § 8-270	787
Judicial Council to study discovery procedure, H. J. R. 88	1082
Testimony of husband and wife in prosecution against a minor child over sixteen, amending § 8-288	726
Witnesses, contradiction by prior inconsistent writing, exceptions as to actions on insurance policies for personal injury or death by wrongful act or neglect, amending § 8-293	124
EXPLOSIVES	
Regulating sale, storage and use of commercial explosives	883
FAIRFAX	
Charter, amending	652
FAIRFAX COUNTY	
Clerks of courts, additional compensation, adding § 14-155.13	215
County executive, powers, as may be otherwise required of him by law, amending § 15-285	804
Dog wardens, appointed in same manner as other county employees, amending § 29-184.2	39
Dog wardens, appointment in same manner as other county employees, powers, distribution of funds, contracts with other counties, amending § 29-184.2	656
Passenger buses, operation of those in excess of prescribed width, amending § 46.1-328	907
Traveling expenses of officers, reimbursement, amending § 14-5.2	210
Urban county form of government, enacting provisions for, adding §§ 15-384.10 thru 15-384.80	571
FALLS CHURCH	
Charter, amending	668
FAUQUIER COUNTY	
Clerk's office closing on Saturday with consent of judge and governing body, amending § 17-41	753
Unlawful to carry loaded firearms on public highways, amending 1950 Act	158

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Page

FEES, COSTS, ETC.

Courts not of record, fees for services of process, no fee for reissuance within certain time, amending § 14-133 22
Courts not of record, increasing fees for issuing certain warrants, including justices of the peace, amending §§ 14-132, 14-136 346
Courts not of record, no fee in any tax case instituted by any county, city or town, no fee for reissuance within certain time, amending § 14-133 120
Fees for certain law enforcement officers, payment out of State treasury, conforming to revision of Title 19, amending § 14-96.... 561
Fees for services in criminal cases and taxed as costs, authorizing Lynchburg to waive, adding § 14-132.1 881
Fees in criminal cases for judges or clerks of courts not of record, conforming to revision of Title 19, amending § 14-132 562
Warrants of arrests for misdemeanors or felonies, when costs charged against prosecutor, substituting judge for trial justice, amending § 14-140 562

FIDUCIARIES

Accounts, including within provisions certain trustees and receivers, amending § 26-17 96
Investments by, deleting prohibiting guardian of a minor from investing longer than six months in certificates of deposit and savings account except on approval of court, amending § 26-40..... 897
Uniform Act for the Simplification of Fiduciary Security Transfers, enacting, adding §§ 13.1-424 thru 13.1-433..... 25
Va. State Bar and Va. State Bar Association to study whether changes should be made in laws, H. J. R. 95 1084

FINGERPRINTING

Persons charged with misdemeanors on orders of judges of municipal courts in cities and towns, amending § 15-555.2 105

FIREARMS

Uniform Machine Gun Act, to apply to automatic weapons firing rifle shells as well as pistol ammunition, amending §§ 18-138, 18-140, 18-142, 18-143 308
Unlawful to carry loaded on highways in certain counties, including Fauquier and Culpeper in provisions, amending 1950 Act..... 158

FIRST LADY'S DAY

Designating June 2, 1960 and succeeding years, being birth date of Martha Washington, repealing Ch. 337, 1958 Acts 315

FISH, OYSTERS AND SHELLFISH

Collection, licensing, rentals and fines, fees, fishing licenses, size of fish, herring provisions, nonresidents, oyster provisions, etc., amending §§ 28-39, 28-43, 28-44, 28-45, 28-57.1, 28-61, 28-71, 28-93.1, 28-95, 28-99, 28-100, 28-103, 28-108, 28-110, 28-123, 28-124, 28-136, 28-137, 28-137.1, 28-141, 28-142, 28-157, 28-170, 28-171, 28-172, 28-178, 28-187, 28-188, 28-191, 28-195, 28-201.1, adding §§ 28-45.01, 28-162.1, 28-201.4, repealing §§ 28-102, 28-144, 28-163, 28-164.... 807
Commission granting Commonwealth Natural Gas Corporation certain easement of right of way under James River near Hog Island between the counties of Surry and James City..... 409
Creating Commission to study and revise Title 28 of the Code, H. J. R. 45 1078
Haul seines in Diascund Creek, lawful to use, adding § 28-57.2..... 891
Oysters, not taking by dredging, including John's Rock and Klondike Rock in exceptions, amending § 28-148 298

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Page

FLOYD COUNTY
Squirrel season, amending Ch. 202, 1950 Acts 804, 866
Squirrel season, repealing 1948 Act and amendments..... 23

FLUVANNA COUNTY
Squirrel season, repealing 1948 Act and amendments..... 23

FORESTRY
Establishing standard rule for measurement of trees and logs, adding § 59-101.2 311
Leaving uncut trees for seeding purposes, exceptions, sending plan to State Forester, amending §§ 10-76, 10-76.1, 10-77, 10-81, 10-83..... 313
Procedure to insure proper planting after conviction of failing to leave seed trees uncut, cash deposits, etc., amending § 10-79.1..... 334

FRANKLIN COUNTY
Apropriations for advertising resources, deleting towns within from provision as to cities and towns, amending § 15-13 186
Squirrel season, amending Ch. 202, 1950 Acts 804, 866
Supervisors, increasing compensation of chairman, amending § 14-56.1 191

FREDERICKSBURG
Funds for advertising purposes, increasing, amending § 15-13..... 186

FUNERAL DIRECTORS
See EMBALMERS AND FUNERAL DIRECTORS

GAME AND INLAND FISHERIES
Administration by Commission of act regulating safe operation of certain motorboats 775
Bear, deer and turkey, special stamp to hunt, deleting certain provisions, and increasing fee, amending § 29-122 876
Commission, authorizing acquisition of certain land and structures in Augusta County 150
Commission, authorizing to prescribe seasons, bag limits and methods of killing fish and game on lands owned or controlled by..... 846
Commission, authorizing to make rules and regulations as to operation of certain motorboats on the waters of the State..... 775
Commission, conveyance of property in Roanoke County known as "Haven's Refuge" in exchange for adjoining property and to fix boundary lines 854
Commission, fixing seasons specifying certain game birds, animals and fish which may be taken, etc., not to conflict with local acts, amending §§ 29-135, 29-136, 29-138, 29-150 906
Commission excluded from Administrative Agencies, copies of regulations of Commission sent to Division of Statutory Research and Drafting, amending §§ 9-6.2, 29-126 846
Commission, per diem allowances to members, amending § 29-5 908
Commission, power to prescribe bag limits and seasons, classifying under migratory game birds, "birds introduced by Commission", amending §§ 29-129.1, 29-132 845
Commission to have control to land under Back Bay, its tributaries and the North Landing River from the N. C. line to North Landing Bridge, amending § 62-1 861
Deer damaging fruit trees and crops, killing, disposition, including Surry County within provisions, amending § 29-145.1 133
Deer, prohibiting hunting within 100 yards of primary or secondary highway in Stafford County 414
Deer, prohibiting killing doe deer in Appomattox County, from July 1, 1960 to June 30, 1962 18

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GAME AND INLAND FISHERIES—Continued Page
Dog laws, enforcement by dog wardens, including Spotsylvania County within provisions, amending § 29-184.3 414
Dog licenses, increasing by local ordinances minimum age limits for which licenses shall not be required from four months to six months, amending § 29-184 376
Dog wardens, appointment in same manner as other county employees in Arlington and Fairfax Counties, disposition of funds, amending § 29-184.2 39
Dog wardens, how appointed in Arlington and Fairfax, compensation in Wise, contracting with other counties as to enforcement of laws, including Washington County within provisions, amending § 29-184.2 656
Dogs killing livestock and poultry, compensation, including Smyth and Wythe Counties, special provisions in Sussex and Greene Counties, amending § 29-202 183
Dogs, license taxes in Hampton, disposition of fund, adding § 29-184.1:1 51
Dogs, referendums in certain cities on ordinances requiring dogs to be kept on leash or restrained 151
Fishing with "fish traps" and "fish pots" and haul seines in Meherrin River in Lunenburg County, amending § 29-148 132
Game birds, unlawful to trap and sell or possess, adding § 29-161.1.... 185
Game wardens, general police powers on properties owned or controlled by Commission, amending § 29-32 847
Gigging German carp from Shenandoah River, season in certain counties, making open season in Shenandoah and Rockingham Counties, amending Ch. 459, 1956 Acts 378
Hunting and fishing licenses, fees, amending §§ 29-53, 29-54, 29-55.... 874
Hunting, trapping and fishing licenses, to include certain members of armed forces, amending § 29-57 844
Hunting with rifle larger than 22/100 or with shotgun loaded with slugs unlawful in Louisa and Goochland Counties..... 184
Reports filed by special and regular game wardens, license certificate executed by licensee, amending §§ 29-37, 29-68.1 (amended to delete amendment under § 29-68.1) 848
Shooting and gigging of certain fish in Clinch River in Russell and Scott Counties and in South fork of Holston River in Washington County, amending Ch. 236, 1934 Acts, repealing Ch. 190, 1948 Acts 412
Shooting preserve licensees, dressing, packing and selling bobwhites, quail or partridges, adding § 29-158.2 134
Squirrel season in Carroll, Floyd, Patrick, Henry, Franklin, Grayson and Scott Counties, amending Ch. 202, 1950 Acts..... 804
Squirrel season in certain counties, to include Grayson and to change in Carroll, Floyd, Patrick, Henry and Franklin, amending Ch. 202, 1950 Acts 866
Squirrel season in certain counties, deleting Surry County, amending Ch. 87, 1950 Acts 134
Squirrel season in Spotsylvania, Albemarle, Fluvanna, Goochland and Louisa Counties, repealing 1948 Act and amendments..... 23
Trip fishing licenses for trout fishing in Shenandoah National Park, adding § 29-55.2 133
VALC to study game, inland fish and dog laws, H. J. R. 43..... 1078

GARNISHMENT
Exemptions of wages and salaries of laboring man or woman who is head of household, schedule of minimum and maximum exemptions, amending § 34-29 773
Institution of proceedings, basis of summons issued at suggestion of judgment creditor or assignee against wages of judgment debtor, allegations to be made, amending § 8-441 784
Va. State Bar and Va. State Bar Association to study laws..... 1084

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GAS BURNING HEATERS — Page
Requirements as to use in hotels, inns, houses of entertainment or other house, unlawful to use in sleeping quarters, amending § 35-3.1 197

GENERAL ASSEMBLY
Adjournment, sine die 1076
Continuance on time for filing pleading, etc., including employees and employees of Division of Statutory Research and Drafting, amending § 30-5 157
Inspection tours of State agencies by members, amending § 30-19.2..... 881
List of counties and cities, showing names and addresses of Senators and Delegates 1124
Meeting in case of enemy attack, adding § 50-a to Constitution, H. J. R. 33 1070

GILES COUNTY
Banks closing on Saturday, amending § 2-20.1 29
Supervisors, clerk of board, compensation, amending § 15-239..... 107

GLASGOW
Charter, amending 49

GLOUCESTER COUNTY
Supervisors, compensation, amending § 14-56.1 191

GOOCHLAND COUNTY
Hunting with rifle larger than 22/100 or with shotgun loaded with slugs unlawful 184
Squirrel season, repealing 1948 Act and amendments..... 23

GOVERNOR
Vacancy in office, how filled, amending § 24-150 757

GRAVEYARDS
Cemeteries, restrictions as to establishing in cities and towns, including counties within provisions, exceptions as to churchyards and private property, amending § 57-26 171
Highway Commission acquiring land which is part or a whole of a cemetery or graveyard, agreements for reinterment, condemnation if agreement cannot be reached 363

GRAYSON COUNTY
Squirrel season, amending Ch. 202, 1950 Acts 804, 866

GREENE COUNTY
Dogs killing livestock and poultry, special provisions as to payment, amending § 29-202..... 183

GREENSVILLE COUNTY
Special County Police Department, establishing, amending Ch. 230, 1958 Acts 219
Supervisors, increasing compensation, amending § 14-56.1 191

GUARDIANS AD LITEM
Life estates, appointment by judge or clerk for those under disability, validating prior orders or decrees, amending § 55-276 51

HALIFAX
Charter, amending 311

HAMPTON
Dogs, license taxes, disposition of fund, adding § 29-184.1:1..... 51

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Page

HAMPTON ROADS SANITATION DISTRICT
Validating creation and enlarging provisions, repealing Ch. 407, 1940 Acts, Ch. 353, 1946 Acts and Ch. 471, 1956 Acts 69

HANOVER COUNTY
Banks closing on Saturday, amending § 2-20.1 29
Clerk of circuit court, office closing on county holidays, amending § 17-41 30
Clerk of circuit court, office closing on county holidays, amending § 17-41 753

HAWKINS, LEWIS EARL
Relief, appropriation from Dept. of Agriculture 610

HEALING ARTS
Contents of examinations, certificates to applicants out of State and to practice physical therapy, amending §§ 54-298, 54-299, 54-310 395
Fees for examinations, requirements for admission to examinations on chiropody and physical therapy, certificates to applicants out of State, certificates to practice physical therapy without examination, amending §§ 54-307, 54-308, 54-308.5, 54-310, 54-310.1 397
"Physical therapy", exceptions to application, amending § 54-273 333
Records of those practicing, open to Health Department for research purposes, confidential 797

HEALTH
Department examining records of physicians and surgeons for purpose of reducing mortality, confidential 797
Hospital authorities, commissioners, number and term of office, amending §§ 32-220, 32-222 361
Hospital contracts for care of indigents, Welfare Board to promulgate uniform eligibility standards, amending § 32-294 196
Hospitalization, medical and surgical service plans or contracts by hospitals and physicians, prescribing applicable insurance laws, rates not fixed by Corporation Commission, amending §§ 32-195.1, 32-195.2, 32-195.8, 32-195.16, repealing §§ 32-195.6 and 32-195.7 416
Maternity hospitals, structural requirements, patients' charts, examination of employees, amending §§ 32-148, 32-153, 32-154 316
Requiring persons possessing, storing or using radiation machines and radioactive materials to register with State Board 360
State Nursing Training Facilities Construction Act, defining "Non-profit" hospitals and "Nurse Training Facility", amending § 32-392 731
VALC to study laws concerning contracts and plans for hospitalization, medical and surgical services, S. J. R. 54 1093
VALC to study laws relating to sexual sterilization, S. J. R. 18 1089
Vital statistics, rearranging, amending and recodifying laws, repealing §§ 32-322 thru 32-353.3, adding §§ 32-353.4 thru 32-353.31 706

HENRICO COUNTY
Acquisition of land for county purposes, increasing, amending § 15-688 156
Banks closing on Saturday, amending § 2-20.1 29
Circuit Court and county court, jurisdiction, Richmond City premises used by courts deemed part of county 211
Clerks of courts, additional compensation, adding § 14-155.13 215
Judge of county court, supplementing salary, adding § 16.1-43.2 155
Motor carriers, ordinances as to weight limits, assessment of liquidated damages, adding § 46.1-342.1 282
Supervisors, compensation, amending § 14-56.1 191
Zoning, reasonable regulations as to gradual elimination of uses of certain land and buildings, amending § 15-884 163

HENRY AND PATRICK COUNTIES
Creating commission to determine and establish boundary line between 174

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Page

HENRY COUNTY
Reassessment, extending time, adding § 58-792.3 121
Squirrel season, amending Ch. 202, 1950 Acts 804
866
Supervisors, clerk of board, compensation, amending § 15-239 107

HIGHLAND COUNTY
Supervisors, clerk of board, compensation, amending § 15-239 107

HIGHWAYS
Acquiring entire tract of land when portion needed, procedure, disposal of residue, adding §§ 33-117.2, 33-117.3, 33-117.4 851
Acquisition of land which is part or a whole of a cemetery or graveyard, agreements for reinterment, condemnation if agreement be not reached 363
"Acting State Highway Commissioner", appointment, duties, salary, amending § 33-3 336
Commission furnishing information regarding certain right of way transactions, when released, amending § 33-15.1 413
Commissioner, authority to purchase lands of the Washington and Old Dominion Railroad 405
Continuing joint commission to consider matters relating to passenger carrier facilities in the Washington metropolitan area, S. J. R. 41 1090
Designating portion of U. S. Highway No. 350, "The Stonewall Jackson Memorial Highway", and marking 299
Eminent domain, powers of State Highway Commissioner as to, revising procedure and granting powers to certain municipal corporations, adding §§ 33-57.2, 33-59.1, 33-60.1, 33-60.2, 33-60.3, 33-62.1, 33-63.1, 33-65.1, 33-67.1, 33-67.2, amending §§ 33-58, 33-59, 33-64, 33-65, 33-67, repealing §§ 33-60, 33-62, 33-63 763
Information centers, constructing at entrance of Federal interstate highways into State by Department of Conservation and Economic Development 908
Outdoor advertising, definitions, signs, etc., special provisions pertaining to National System of Interstate and Defense Highways, amending §§ 33-298, 33-302, 33-317, 33-321, adding §§ 33-317.1 thru 33-317.3 640
Richmond-Petersburg Turnpike Authority, evidence as to rules and regulations, changing date for making annual report, amending § 33-255.41 740
Smith Island Bridge Authority, creating 789
Unlawful to carry loaded firearms on highways in certain counties, including Fauquier and Culpeper within provisions 158

HISTORICAL MARKERS
Erection by Library Board in Portsmouth commemorating Crawford House and Norfolk County Court House 683
Erection in Norfolk City in commemoration of Operation Torch 1942.. 409
Erection in Staunton by Library Board, commemorating Virginia School for the Deaf and the Blind and Mary Baldwin College..... 717
Erection near home of Judge Paul Carrington in Charlotte County by Library Board 801

HOLIDAYS
Sundays, enacting new provisions as to classes of work or transaction of business, amending § 18-329, adding §§ 18-329.1, 18-329.2 332

HOPEWELL
Charter, amending 152

HORSE RIDING SCHOOLS
County ordinances for licensing, inspecting and regulating, violations, conforming to revision of Title 18, amending § 15-20.4 492

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Page

HOSPITAL BOARD, STATE

Appointment and salaries of resident officers, abolishing provisions except as to superintendents, repealing §§ 37-10, 37-11, 37-12..... 329
Authorizing Board to negotiate with Brunswick-Balke-Collender Co. as to conveyance of certain real estate in Marion..... 3
Board and Governor conveying certain property to town of Marion..... 863
Board and Governor to convey certain property of Petersburg Training School and Hospital to College of William and Mary and to Frank J. Reiter and Lillian B. Reiter 406
Board receiving gifts, bequests and endowments, amending § 37-37.... 136
Boarding patients in private homes, increasing monthly payments, liability of Board as to costs, amending § 37-128..... 593
Definition of "colony", deleting Petersburg Training School Hospital, continuing Petersburg Training School, amending §§ 37-1.1, 37-5 135
Disposal of unclaimed personal property of inmates after 3 years, adding § 37-230.1..... 595
Licensing of private homes or institutions for insane, etc., revocation or suspension procedure, penalties for violations, amending §§ 37-254, 37-259, 37-260, adding §§ 37-258.1 thru 37-258.3..... 771
Patients in hospitals and colonies, increasing limitation as to expenses and contracts for care, amending §§ 37-125.1, 37-125.5..... 594
Surplus property, disposal, lease in lieu of sale, amending §§37-34.2:6, 37-34.2:7 329

HOSPITALS

Authorities, including nonprofit or charitable hospitals, commissioners, number and term, amending §§ 32-220, 32-222..... 361
Contracts for care of indigents, Welfare Board to promulgate uniform eligibility standards, amending § 32-294..... 196
Maternity hospitals, structural requirements, patients' charts, examination of employees, amending §§ 32-148, 32-153, 32-154..... 316
State Nursing Training Facilities Construction Act, defining "Nonprofit" hospitals and "Nurse training facility", amending § 32-392 731
VALC to study laws concerning contracts and plans for hospitalization, medical and surgical services, S. J. R. 54 1093

HOTELS, INNS, ETC.

Gas burning heaters, requirements as to use, unlawful to use in sleeping quarters, amending § 35-3.1 197
Notice wherein oxygen fuels are used for heating bedrooms, amending § 35-3 406

HOUSE OF DELEGATES

Clerk, last-survivor annuity, adding § 51-29.7:1 407
Members, post office, residence, telegraph office and district represented 1119
Officials and employees 1122
Seating arrangement 1123

HOUSING AUTHORITIES

Appointing commissioners to act in lieu of councilmen in certain cities, adding § 36-11.2 908
Election as to certain cooperation agreements in Portsmouth, adding § 36-19.4 762
Limitations as to construction contracts in Charlottesville, referendum, abolishing provisions, repealing § 36-19.3 299

ICE CREAM AND OTHER FROZEN PRODUCTS

Pasteurized mix, how long to be kept before freezing, amending § 3-451.14 320

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Page

INDUSTRIAL COMMISSION
Bailiff, powers and duties, adding § 65-10.1 352
Retirement of members, last-survivor annuity in lieu of retirement salary, adding § 51-28.1 213

INDUSTRIAL DEVELOPMENT AND PLANNING, DIVISION OF
Adding "and Planning" to title, amending §§ 10-8.1, 10-118, 10-119, 10-130 173

INDUSTRIAL DEVELOPMENT CORPORATIONS
See under CORPORATIONS

INDUSTRIAL LOAN ASSOCIATIONS
See BANKING AND FINANCE

INSANE, EPILEPTIC, FEEBLE-MINDED AND INEBRIATES
Definition of "colony", deleting Petersburg Training School Hospital, continuing Petersburg Training School, amending §§ 37-1.1, 37-5 135
Disposal of unclaimed personal property after 3 years, adding § 37-230.1 595
Hospital Board receiving gifts, bequests and endowments, amending § 37-37 136
Motor vehicle licenses, suspension on committal, terminating on statement of person in charge of institution, amending § 46.1-428 375
Patients boarded in private homes, increasing monthly payments, liability of Board as to costs, amending § 37-128 593
Patients in hospitals and colonies, increasing limitation as to expenses and contracts for care, amending §§ 37-125.1, 37-125.5 594
Private homes or institutions, licensing by State Board, revocation or suspension procedure, penalties for violations, amending §§ 37-254, 37-259, 37-260, adding §§ 37-258.1 thru 37-258.3..... 771
Resident officers, abolishing provisions as to appointment and salaries except superintendent, repealing §§ 37-10, 37-11, 37-12..... 329
VALC to study laws relating to sexual sterilization, S. J. R. 89..... 1089

INSECTICIDE, FUNGICIDE AND RODENTICIDE LAW, VIRGINIA
Terms, ingredient statement, labels, amending §§ 3-205, 3-208.1, 3-208.7, 3-208.22, 3-208.31, adding §§ 3-203.1, 3-203.2, 3-208.8:1.... 842

INSURANCE
Agents and brokers, exemptions from countersignature requirements, including certain bid bonds, amending § 38.1-291 125
Agents, certificate of qualification, including baggage insurance sold by agents of railroad, steamship, aeroplane and bus companies, amending § 38.1-296..... 348
Agents, certification of qualifications, omitting certain mutual assessment fire insurance companies, amending § 38.1-296..... 353
Assessments for administration of insurance laws, exempting mutual assessment fire insurance companies, amending § 38.1-44..... 355
Companies, providing method for volunteer increase in guaranty funds, adding § 38.1-92.1..... 353
Credit life insurance and credit accident and sickness insurance, special provisions to facilitate and control, adding §§ 38.1-482.1 thru 38.1-482.16 85
Deposits or insurance in lieu, exempting certain domestic mutual assessment fire insurance companies, amending § 38.1-108 865
Domestic insurers, investments by, including obligations of U. S. and agencies thereof, amending § 38.1-192..... 123
Domestic mutual insurance companies, requirements to do business, minimum surplus, not applicable to domestic mutual assessment fire insurance companies, amending § 38.1-91..... 352
Fire insurance policies, excluding loss or damage caused by nuclear reaction or such, adding § 38.1–363.1..... 126
Fire insurance policies, provisions, exempting certain mutual assessment fire insurance companies, amending § 38.1-378 354

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INSURANCE—Continued Page
Fraternal benefit societies, how assets held, invested and disbursed, amending § 38.1-617, repealing §§ 38.1-605, 38.1-608, 38.1-622..... 201
Group life insurance companies, revising laws, amending §§ 38.1-472, 38.1-475, 38.1-476, 38.1-477, 38.1-479, 38.1-480, adding §§ 38.1-472.1, 38.1-476.1, repealing §§ 38.1-473, 38.1-474, 38.1-477.1, 38.1-477.2, 38.1-478, 38.1-481 337
Group life insurance policies, standard provisions, revising laws, amending §§ 38.1-424, 38.1-426 thru 38.1-428, adding §§ 38.1-424.1, 38.1-426.1, 38.1-427.1, 38.1-428.1 thru 38.1-428.4 342
Group life insurance for certain State and local officers and employees, Va. Supplemental Retirement System to effectuate, adding §§ 51-111.67:1 thru 51-111.67:13 920
Hospitals, medical and surgical service plans or contracts by hospitals and physicians, prescribing applicable insurance laws, rates not fixed by Corporation Commission, amending §§ 32-195.1, 32-195.2, 32-195.8, 32-195.16, repealing §§ 32-195.6 and 32-195.7 416
Investment secured upon real estate, limitation, extending as to single family residence, amending § 38.1-208 125
License taxes, exempting certain mutual assessment fire insurance companies, amending § 58-494..... 716
Life agents, abolishing provisions as to certificate of qualification to applicants previously licensed, repealing § 38.1-301.6 346
Life insurance contracts with minors not less than fifteen, amending § 38.1-436 40
Motor vehicle policies, provisions, effect under Workmen's Compensation Act, amending § 38.1-381..... 721
Motor vehicle policies, notice of cancellation by certified mail, amending § 38.1-381.1 132
"Mutual assessment fire insurance", to include certain miscellaneous property, amending § 38.1-659 354
Premiums on contracts, when collected, abolishing provisions, repealing § 38.1-286 123
Resident agents, provisions, exempting certain mutual assessment fire insurance companies and certain bid bonds, amending § 38.1-291.... 864
Surplus lines brokers, provisions for licensing, how policies procured, adding §§ 38.1-314.1 thru 38.1-314.16 785
VALC to study insurance on State-owned buildings, H. J. R. 93..... 1084
VALC to study laws concerning contracts and plans for hospitalization, medical and surgical services, S. J. R. 54..... 1093

ISLE OF WIGHT COUNTY
Banks closing on Saturday, amending § 2-20.1 29
Justices of the peace, temporary appointment of additional by court, bond, term, amending § 24-158 836

JAMES CITY COUNTY
Supervisors, compensation, amending § 14-56.1..... 191

JAMESTOWN FOUNDATION
Directing to study the participation of Virginia in the New York World's Fair of 1964, H. J. R. 99..... 1085

JUDGES
Additional judges for 10th and 28th Circuits and making Portsmouth 38th Circuit, amending §§ 17-119, 17-119.1 204
Additional judge for Hustings Court of the City of Richmond, appropriation for salary 893
Additional judge for Hustings Court of the City of Richmond, election, etc., adding § 17-153.1 203
Courts of the city of Newport News, amending §§ 17-221.1, 17-221.4, 17-221.7, 17-221.10, 17-221.14 856
Retirement, last survivor annuities in lieu of retirement salary, adding § 51-28.1 213

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JUDGES OF COURTS NOT OF RECORD
County court judges, salaries and expenses fixed by committee of three circuit judges, continuing committee and compensation for, amending § 14-50 689
County court judges, salaries, increasing, special provision for Norfolk County, amending §§ 14-51, 14-52 647
County court judges, supplementing salary in Henrico County, adding § 16.1-43.2 155

JUDGMENTS AND DECREES
Time at which judgment becomes lien on real property, including by confession of judgment, amending § 8-386 725
Va. State Bar and Va. State Bar Association to study whether changes should be made in the laws relating to judgment by confession, H. J. R. 95 1084

JUDICIAL CIRCUITS
Census provisions of 1960 not to affect creation of new judicial circuit, division of a circuit or designation of judges therefor, amending § 1-13.36 319
Reclassifying certain circuits and providing for the 39th and 40th; courts of record of city of Newport News, amending §§ 17-119, 17-222.1, 17-222.4, 17-222.7, 17-222.10, 17-222.14 856
Taking Portsmouth out of 28th and making 38th Circuit and possibly a 39th; also providing for certain additional judges in 10th and 28th Circuits, amending §§ 17-119 and 17-119.1 204

JUDICIAL COUNCIL
Requesting to make a study relating to discovery procedure, H. J. R. 88 1082
Requesting to study circuit and corporation court system, together with Supreme Court of Appeals, S. J. R. 20 1090

JURIES
Grand juries, court not to charge in presence of persons summoned as petit jurors, reversible error, amending § 19-129 725
Grand juries, court not to charge in the presence of persons summoned as petit jurors, reversible error, amending § 19-171..... 112
Jurors, additional compensation by localities, conforming to revision of Title 19, amending § 15-25.1 563
Jurors, excluding persons living within 2 miles in felony cases, excepting Nottoway County, amending § 19-186..... 99
Lists of jurors for Richmond City Courts, number for Hustings Court, Part II, and the Law and Equity Court, amending § 8-182..... 878

JUSTICES OF THE PEACE
Appointment or election of additional in Isle of Wight and Nansemond Counties, amending § 24-158 836
Fees for issuing warrants of arrest or for violation of ordinance, when collected from defendant, amending § 14-136 346
Fees, increasing for taking and certifying acknowledgment or other writing, and administering oaths or affirmations, amending §§ 14-135, 14-143 891
Special justices in Arlington County, suspension for breach of rules or procedure, amending § 19-121.1 882

JUVENILE AND DOMESTIC RELATIONS
Joint regional courts, establishing and operating by localities, payment of judges and personnel by State, how judges appointed, adding § 16.1-143.1 739
Juvenile delinquents committing offenses while under custody of Welfare Department, transfer to other courts for trial, amending § 63-373.1..... 215

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Page

JUVENILE AND DOMESTIC RELATIONS—Continued
Juvenile delinquents, commitment by courts and Department of Welfare and Institutions to Dept. of Mental Hygiene and Hospitals, adding § 16.1-178.2 118
Juvenile delinquents, court taking custody and committing to local boards of welfare, amending § 16.1-178 392
Juvenile delinquents of 14 or over charged with certain offenses, making investigation by court permissive instead of mandatory, amending § 16.1-176 370
Juvenile delinquents, trial for certain offenses when 16 or over by court of record of those with previous records, adding § 16.1-176.1.. 117
Juvenile delinquents under control of courts, work permits, conforming to those under Title 40, amending § 16.1-158 595

KENBRIDGE
Expenditures for advertising purposes, deleting from special provisions, amending § 15-13 186

KING AND QUEEN COUNTY
Supervisors, clerk of board, compensation, amending § 15-239 107

KING GEORGE COUNTY
Supervisors, clerk of board, compensation, amending § 15-239..... 107

KING WILLIAM COUNTY
Banks closing on Saturday, amending § 2-20.1 29

LABOR
Apprentices, definition and agreements as to amount of instruction, amending §§ 40-126, 40-127..... 401
Child labor, type of work, age limits, work hours, employment certificates, etc., amending §§ 40-96, 40-97, 40-100, 40-100.6, 40-101, 40-102, 40-104 thru 40-111, 40-114, 40-116, 40-118, adding § 40-100.4:1 683
Females, exempting from provisions as to work hours, women doing certain amateur photographic film work after certain holidays, amending § 40-35 302
VALC to study certain portions of labor laws of Virginia, S. J. R. 43 1091
Work hours for women, excepting from provisions employees in certain manufacturing establishments in connection with a rotating shift schedule, amending § 40-34 375
Work permits by juvenile and domestic relations courts for children under their jurisdiction, conforming to those under Title 40, amending § 16.1-158 595
Working on Sundays, enacting new provisions, amending § 18-329, adding §§ 18-329.1, 18-329.2 332

LAFAYETTE YACHT CLUB, INC.
Governor and Attorney General conveying certain formerly submerged land in Norfolk City 909

LEE COUNTY
Supervisors, compensation, amending § 14-56.1..... 191

LEVISA FORK OF BIG SANDY RIVER
Changing from Louisa Fork, and making it unlawful to dump dirt, stone, coal, etc. on banks and in channels, amending § 62-190..... 324

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Page

LIBRARIES
Law libraries in certain counties of more than 150,000, assessment for.. 664
Regional libraries serving more than three political subdivisions, increasing State aid, amending § 42-26 306
State Board supplying professional supervision and State aid to certain libraries, amending § 42-28 307

LIBRARY BOARD, STATE
Erection of historical markers in Portsmouth commemorating Crawford House and Norfolk County Court House 683
Erection of historical marker near home of Judge Paul Carrington in Charlotte County 801
Erection of historical marker in Norfolk City in commemoration of Operation Torch 1942 409
Erection of historical markers in Staunton commemorating Va. School for the Deaf and Blind and Mary Baldwin College 717

LIBRARY, STATE
Copies of State publications furnished to Library by Director of Dept. of Purchases and Supply, amending § 42-55 152

LIENS
Docketing required to perfect, except when judgment revived, judgment must be docketed again to become lien, amending § 8-390.... 324
Enforcement of liens of innkeepers, garages and mechanics, notice to lien holder as to sale of motor vehicles, amending § 43-34 877
Recordation in deed book in lieu of miscellaneous lien book, indexed in general index of deeds, adding § 43-4.1 104
Suits to enforce lien of judgment against lands conveyed by judgment debtor to grantee, recordation of notice of lis pendens, amending § 8-393 345
Time at which judgment becomes lien on real property, including confession of judgment, amending § 8-386 725

LIFE ESTATES
Appointment of guardian ad litem by judge or clerk for those under disability, validating prior orders or decrees, amending § 55-276 51

LIVESTOCK AND POULTRY
Creating commission to study methods and formulae used by those grading lambs, calves and hogs sold for commercial purposes, S. J. R. 17 1088
Stock and poultry feed, substituting "materials" for "feeds", and including those used for feeding aquatic creatures and birds other than poultry, amending § 3-619 350

LIVESTOCK AUCTION MARKETS
Bond to accompany license, also stockyards, exceptions, amending § 3-541 318

LOTTERIES
Prosecutions, defining "consideration", adding § 18-301.1 294

LOUDOUN COUNTY
Clerk's office closing on Saturday with consent of judge and governing body, amending § 17-41 753

LOUISA COUNTY
Hunting with rifle larger than 22/100 or with shotgun loaded with slugs unlawful 184
Squirrel season, repealing 1948 Act and amendments 23

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Page

LUNENBURG COUNTY
Banks closing on Saturday, amending § 2-20.1 29
Fishing with "fish traps" or "fish pots" and haul seines in Meherrin River, amending § 29-148 132

LYNCHBURG
Charter, amending 740
City waiving fees for services in criminal cases and taxed as costs, adding § 14-132.1 881

MAGISTERIAL DISTRICTS 1107

MANASSAS
Charter, amending 57

MAP OF VIRGINIA
Illustration 1112

MARGARET ACADEMY
Trustees expending principal of certain funds on approval of judge of the circuit court of Accomack County, amending Ch. 139, 1946 Acts 371

MARION
Charter, new 15
Governor and Hospital Board conveying certain property to town..... 863

MARRIAGE
Licenses of minors, age of consent, clerks issuing, conforming to revision of Title 18, amending § 20-48 494
Suits for annulling, how and by whom notice served, publication, amending §§ 8-54, 8-76 21

MARY BALDWIN COLLEGE
Erection of historical marker by Library Board..... 717

MARY WASHINGTON COLLEGE
Authorizing Board of Trustees of Virginia Museum of Fine Arts to institute proceedings for transfer of "The Gari Melchers Memorial" property to University of Va. for use of college..... 54
Relief of certain students whose property was damaged by burst water pipe, payment from college funds..... 566

MATHEWS COUNTY
Supervisors, compensation, amending § 14-56.1..... 191

MEDICAL AND DENTAL SCHOLARSHIPS
Contracts, public health service or employee of Health Dept., reimbursement on later fulfillment of contract, amending §§ 23-35.3, 23-35.5 691

MEDICAL COLLEGE OF VIRGINIA
Ratifying conveyance to Commonwealth, Hospital Board, certain lands for purposes of the Institute for Emotionally Retarded Children.... 113

MEDICAL EXAMINERS
Per diem allowances, amending § 54-295.7..... 65

MEDICINES
See DRUGS, etc.

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Page

MIDDLESEX COUNTY
Supervisors, compensation, amending § 14-56.1 191

MILK AND MILK PRODUCTS
VALC to study matters relating to milk inspection, H. J. R. 59 1080

MILK COMMISSION
Members, increasing per diem, amending § 3-348 316

MINING EXAMINERS
Per diem allowance, amending § 45-26 65

MINORS
Borrowing for college education, liability as if adult, adding § 8-135.1.. 100
Recovery from parents for wilful destruction of public property 135

MISDEMEANORS
Only one bail bond in certain cases, penalty based on most serious of such charges 691

MONTGOMERY COUNTY
Banks closing on Saturday, amending § 2-20.1 896
Supervisors, clerk of board, compensation, amending § 15-239 107

MOTOR FUELS
Motor Fuel Tax Act, definition of "Used in this State", amending § 58-687 300
Refunds, tickets issued to holder of courtesy card deemed paid ticket or invoice, amending § 58-716 774
Taxation and refunds, including aviation fuels, definitions, etc., amending §§ 58-715, 58-732, 58-733, 58-744, adding § 58-753.3 614
Taxes, exempting certain dealers selling in bulk lots for use of State or political subdivision, amending § 58-712 719
Taxes, increasing and creating special fund, "The Primary and Secondary Highway Emergency Fund", amending §§ 58-628, 58-629, 58-711, 58-715, 58-730, 58-744, adding § 58-757.1 916
VALC to study desirability of an allowance to dealers for shrinkage, evaporation and otherwise, S. J. R. 57 1094

MOTOR VEHICLES
Abandoned vehicles, sale, funds deposited in local general fund, owner may claim within 3 years, amending § 46.1-3 98
Abandonment on private property, removal, written consent, proceeds of sale in general or special fund, owner may reclaim within 3 years, amending § 46.1-3 214
Backing, signals as to, amending § 46.1-216 124
Carriers, buses or trucks not stopping on highways outside of cities and towns to discharge cargo or passengers, excepting school buses, amending § 46.1-250 324
Carriers, certificate of public convenience, defining "commercial zone operation", amending § 56-281 880
Carriers, excessive width and size, exempting certain passenger buses in Fairfax County, amending § 46.1-328 907
Carriers hauling coal, permits for excessive size and weight, extending dates, amending § 46.1-343 292
Carriers, household goods, certificate of public convenience, amending §§ 56-338.8, 56-338.12, 56-338.14 377
Carriers, loads extending on either side, amending § 46.1-334 348
Carriers of passengers, carrying parcels of certain weights, amending § 56-284 690
Carriers of passengers, weights used for computing, fees, amending § 46.1-149 312

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Page

MOTOR VEHICLES—Continued
Carriers, ordinances in Henrico and Arlington Counties as to weight limits, assessment of liquidated damages, adding § 46.1-342.1..... 282
Carriers, Special or Charter Party Carriers, regulations by Corporation Commission, adding §§ 56-338.50 thru 56-338.64, repealing § 56-285 838
Carriers, unlawful use of classification plate, identification marker or assigned number, penalty, amending § 56-304.11 371
Carriers, weight provisions, name and address of owner shown on sides, exceptions, repealing § 46.1-158, adding § 46.1-158.1, amending § 46.1-64 100
Commissioner destroying unnecessary papers or records, amending § 46.1-36 128
Commissioner rescinding certain revocations of any operator's or chauffeur's license or denials of registration as to false certificate or false evidence 218
Dealers' temporary licenses, not construed as registration of vehicles, amending § 46.1-121 319
Driving recklessly while under influence of intoxicants, dual charges, dismissal of one on conviction of other 767
Driving under influence of intoxicants, abolishing provisions as to jail sentences relating to suspension of jail sentence for second offense, repealing § 53-276 497
Driving under influence of intoxicants, chemical analysis, time within which made, amending § 18-75.1 853
Enforcement of laws, summons by agent, inspector or investigator, to include State Police officer, amending § 56-334..... 91
Equipment and devices, safety glass requirements, illegal possession or sale of unapproved equipment, certificates of approval, etc., amending §§ 46.1-293, 46.1-308, 46.1-311, 46.1-313, adding § 46.1-308.1 130
Equipment, deleting as to reports concerning certain radio equipment, suspension of registration for improper equipment, including safety glass, how licenses fastened, deleting as to height, amending §§ 46.1-12, 46.1-58, 46.1-107 127
Equipment, rear fenders, flaps or guards, exhaust system, amending §§ 46.1-290, 46.1-301..... 128
Flares and other signals on disabled vehicles, dimension or marker lights, permissible lights, number, warning lights and warning devices on school buses, amending §§ 46.1-255, 46.1-256, 46.1-265, 46.1-267, 46.1-268, 46.1-287 164
Insurance policies, notice of cancellation by certified mail, amending § 38.1-381.1 132
Insurance policies, provisions, effect under Workmen's Compensation Act, amending § 38.1-381 721
License plates, authorizing owner to use temporarily on another vehicle owned by person operating a garage or owned by a dealer.... 719
Licenses to minors, revalidation each year until 18, amending § 46.1-357 665
Liens, enforcement, notice to lien holder as to sale, amending § 43-34.. 877
Lights and sirens on privately owned vehicles of members of volunteer fire departments, amending §§ 46.1-267, 46.1-285, 46.1-319 599
Operators' and chauffeurs' licenses, driving while license suspended or revoked and restoration contingent on proof of financial responsibility, increasing penalty, amending § 46.1-351 166
Operators' and chauffeurs' licenses, examination of those believed incompetent, effect, amending § 46.1-383 212
Operators' and chauffeurs' licenses, limiting extension granted to members of armed forces, amending § 46.1-382 187
Operators' and chauffeurs' licenses, licenses to minors, revalidation yearly until eighteen, amending § 46.1-357 665

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MOTOR VEHICLES—Continued Page

Operators' and chauffeurs' licenses, revocation or suspension, appeal, operation pending appeal, stay of order, amending §§ 46.1-367, 46.1-437 802

Operators' and chauffeurs' licenses, special restrictions on particular licenses, amending § 46.1-378 187

Operators' and chauffeurs' licenses, suspension mandatory on second and subsequent convictions within one year for exceeding speed limit by more than 5 miles per hour, amending § 46.1-197..... 170

Operators' and chauffeurs' licenses, suspension on commitment to institution, termination on statement from person in charge, amending § 46.1-428 375

Operators' and chauffeurs' licenses, suspension and revocation, persons convicted of certain crimes, etc., conforming to revision of Title 18, amending §§ 46.1-350, 46.1-351, 46.1-362, 46.1-417, 46.1-421..... 495

Operators' licenses to minors, prohibiting those under 18 driving on streets, roads and highways in cities, to include Arlington County if prohibited by ordinance, amending § 46.1-357..... 122

Parking meters on designated highways, streets and roads in Arlington County, amending 1950 Act..... 160

Reckless driving, failure to stop at a school bus whether publicly or privately owned or whether transporting children to public or private school, amending § 46.1-190 801

Records of convictions, cases of civil judgments, copies sent to Commissioner, amending § 46.1-413 188

Registration fees, service or wrecking vehicles treated as private vehicles, amending § 46.1-163 129

Registration of uninsured vehicles, revising provisions, amending §§ 46.1-167.1 thru 46.1-167.5 199

Renting vehicles for more than 30 days, notice to Commissioner, amending § 46.1-14 151

Speed limits, 60 miles on certain four lane highways for certain vehicles, exceptions to 55 mile limit, posted signs evidence as to investigations, excepting school buses as to minimum speeds, amending § 46.1-193 161

Speed limits, temporary reduction by ordinances of cities and towns while working on, amending § 46.1-180..... 184

Speeding in excess of 65 or 75, conviction, denial of privilege of operating vehicle for certain period, amending § 46.1-423..... 211

Traffic regulations by ordinance in Arlington County for protection of school children, adding § 46.1-180.2..... 613

Uninsured motor vehicles, definition, additional fee and certificates for registration, penalties for false information, revocation or suspension, amending §§ 46.1-167.1 thru 46.1-167.5 199

Unlawful suspension of objects obscuring driver's view, adding § 46.1-291.1 128

VALC to continue study of problems of driving under influence of intoxicants and statutes relating thereto, H. J. R. 100..... 1086

Washington Metropolitan Area, Passenger Carrier Facilities, continuing Joint Commission on, S. J. R. 52 1090

Weight limits, ordinances in certain counties, assessment of liquidated damages, adding § 46.1-342.1 282

Yielding right of way to volunteer fire company vehicle, rescue vehicles and ambulances, amending § 46.1-225 876

MOTORBOATS

Requirements and provisions for safe operation of certain motorboats, vesting administration of act in the Commission of Game and Inland Fisheries 775

MUSEUM OF FINE ARTS

Authorizing Board of Trustees to institute proceedings for transfer of "The Gari Melchers Memorial" property to University of Virginia for use of Mary Washington College 54

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Page

NANSEMOND COUNTY
Clerk of county, relieving of duties as clerk of governing body, ordinance, amending § 15-237 42
Clerk's office closing on Saturday with consent of judge and governing body, amending § 17-41 753
Justices of the peace, temporary appointment of additional by court, bond, term, amending § 24-158 836
Supervisors, compensation, amending § 14-56.1 191

NANSEMOND COUNTY INDUSTRIAL AND PORT AUTHORITY
Creating 4

NARCOTICS
See DRUGS AND DRUGGISTS

NELSON COUNTY
Expenditure of general funds to provide sources of public water supply, amending Ch. 18, Ex. 1959 Acts 806
Supervisors, compensation, amending § 14-56.1 191

NEW YORK WORLD'S FAIR OF 1964
Jamestown Foundation to study participation of Commonwealth, H. J. R. 99 1085

NEWPORT NEWS
Authorizing Governor to convey to U. S., certain lands in the James River, in Newport News 860
Charter, amending 126
172
172
Courts of record, provisions effective as of July one, 1962, abolishing Circuit Court, amending §§ 17-221.1, 17-221.4, 17-221.7, 17-221.10, 17-221.14 856
Water works system, area which may be served, amending Ch. 530, 1926 Acts 910

NICHOLAS, JAMES S.
Relief, case referred to Industrial Commission 848

NORFOLK CITY
Authorizing Governor and Attorney General to convey certain formerly submerged land in Lafayette River to Lafayette Yacht Club, Inc. 909
Authorizing Governor and Attorney General to convey to U. S. certain formerly submerged lands in Willoughby Bay, Mason Creek, Theleball's Creek, and Boush Creek 727
Charter, amending 649
Historical marker in commemoration of Operation Torch 1942, erection by Library Board 409

NORFOLK COUNTY
Clerk of court, additional compensation, amending § 14-155 366
Injured officials and employees, allowances to, including widow, amending § 15-555 756
Judges of county courts, salary, amending § 14-51 647
Water supplies, expending general funds, amending Ch. 18, Ex. 1959 Acts 806

NORFOLK GENERAL HOSPITAL
Relief 770

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Page

NORTHAMPTON COUNTY
Clerk's office closing on county holidays, amending § 17-41 30

NOTARIES PUBLIC
Fees, increasing for taking and certifying acknowledgments to deeds and other writing and administering oaths and affirmations, amending §§ 14-135, 14-143 891

NOTTOWAY COUNTY
Banks closing on Saturday, amending § 2-20.1 29
Persons serving as jurors living within 2 miles in felony cases, amending § 19-186 99

NURSES
Nursing scholarships, increasing number, amount, to whom available, amending § 23-36.2 566
State Board of Examiners, per diem allowances, amending § 54-341.... 65
State Nursing Training Facilities Construction Act, defining "Non-profit" hospitals and "Nurse Training Facility", amending § 32-392 731

OBSCENITY
Defining "obscene", felony to commit a second or subsequent offense, orders and judgments as to books, adding §§ 18.1-227 thru 18.1-236.3, repealing §§ 18-113, 18-113.1 302

OPTICIAN BOARD
Per diem allowances to members, amending § 54-398.12 65

OPTOMETRY BOARD
Per diem allowances to members, amending § 54-395 65

OUTDOOR ADVERTISING
Definitions, signs, etc., special provisions pertaining to National System of Interstate and Defense Highways, amending §§ 33-298, 33-302, 33-317, 33-321, adding §§ 33-317.1 thru 33-317.3..... 640

PATRICK AND HENRY COUNTIES
Creating commission to determine and establish boundary line between 174

PATRICK COUNTY
Squirrel season, amending Ch. 202, 1950 Acts 804
866
Supervisors, clerk of board, compensation, amending § 15-239 107

PENINSULA CIVIC RECREATION CENTER AUTHORITY
Creating 883

PETERSBURG TRAINING SCHOOL AND HOSPITAL
Definition of "colony", deleting Petersburg Training School Hospital, continuing Petersburg Training School, amending §§ 37-1.1, 37-5.... 135
Governor and Hospital Board conveying as gift to William and Mary and to Frank J. Reiter and Lillian B. Reiter certain property of 406

PHARMACY
See DRUGS AND DRUGGISTS

PHYSICAL THERAPY
See under HEALING ARTS

PHYSICIANS AND SURGEONS
Department of Health examining records for purposes of reducing mortality, confidential 797

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Page

PIGEONS
Protection of homing pigeons, excluding local ordinances permitting killing, taking, etc. about certain buildings, not classifying as homing pigeons, amending § 18-217 208

PITTSYLVANIA COUNTY
License taxes on businesses, trades, professions, etc., imposition, amending §§ 58-266.2, 58-266.3 861
Supervisors, compensation, amending § 14-56.1 191

PLANNING COMMISSIONS
Arlington County to lease land designated on master plan as being intended for future use 218
Master plan, disapproval, communicating reason therefor, overruling, amending § 15-923 875
Municipal planning commissions, increasing membership, and authorizing either mayor or council to appoint members in Roanoke City, amending § 15-901 364
VALC to continue study of laws, including zoning laws, H. J. R. 89 1083

PLEADING AND PRACTICE
Arrest on charge of felony, preliminary hearing before indictment returned, adding § 19-137.1 597
Bills of particulars, admission of facts and genuineness of documents without formal proof in certain cases, adding § 8-111.1..... 725
Contradiction of witnesses by prior inconsistent writing, exceptions as to actions on insurance policies for personal injury or death by wrongful act, amending § 8-293 124
Continuance or time for filing pleading, etc., to include employees as well as members and officers of General Assembly, also to include employees of Division of Statutory Research and Drafting, amending § 30-5 157
Recognizances, powers of judges of courts not of record to take upon continuation of case, conforming to revision of Title 19, amending § 16.1-90 564
Requesting Judicial Council to make a study relating to discovery procedure, H. J. R. 88 1082
Time at which judgment becomes lien on real property, including by confession of judgment, amending § 8-386 725

POLICE
Police and trial board in Princess Anne County, number on board, amending 1954 Act 50
Policemen in cities and towns, compensation and fees under charter provisions, amending § 15-557 175
Special County Police Department, establishing in Greensville and Roanoke Counties, amending Ch. 230, 1958 Acts..... 219
Special policemen in counties, appointment by county judges and conforming to revision of Title 19, amending § 15-571..... 563
Special policemen in sanitary districts, appointment by governing bodies, amending § 21-118 43
Special policemen, U. S. government clerk acting under appointment by court or judge, amending § 2-29..... 46

POLICE, STATE
Arrests by, conforming to revision of Titles 19 and 46, amending § 52-21 565
Retirement System, basis on which officer who rejected membership may be credited with certain prior service, amending § 51-131.... 865

POLLS IN COUNTIES 1102

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Page

POPULATION
Counties and cities (1950 Census) alphabetically 1110
Rank by population 1111
Defining, when census of 1960 effective, duties of Auditor of Public Accounts, amending § 1-13.35 363
Provisions under § 1-13.35 not to limit the creation of a new judicial circuit or division of one existing nor to presiding judges, amending § 1-13.36 319

POQUOSON
Charter, amending 735

PORTS AUTHORITY, VIRGINIA STATE
Powers as to expenditure of State funds and leasing property, amending §§ 62-106.7, 62-106.8 114

PORTSMOUTH
Assistant Commonwealth's attorneys, appointment 56
Charter, amending 167
Charter, amending 175
Historical markers, erection by Library Board commemorating Crawford House and Norfolk County Court House 683
Housing authorities, election as to certain cooperation agreements, adding § 36-19.4 762

POWHATAN COUNTY
Banks closing on Saturday, amending § 2-20.1 29

PRESENTMENTS, INDICTMENTS AND INFORMATIONS
Arrest on charge of felony, preliminary hearing before indictment returned, adding § 19-137.1 597

PRECINCTS, VOTING, IN CITIES
Listed 1109

PRINCE EDWARD COUNTY
Banks closing on Saturday, amending § 2-20.1 29

PRINCE GEORGE COUNTY
Clerk's office closing on Saturday with consent of judge and governing body, amending § 17-41 753
Reassessment, extending time, amending § 58-792.1 112
Supervisors, clerk of board, compensation, amending § 15-239 107
Supervisors, compensation, amending § 14-56.1 191

PRINCESS ANNE COUNTY
Clerks of courts, compensation, adding § 14-155.13 215
Dumps for waste material, increasing acreage, amending § 15-707 362
Police and Trial Board, number to serve, amending Ch. 101, 1954 Acts 50
Supervisors, compensation, amending § 14-56.1 191
Supervisors, meetings, twice monthly, amending § 15-241 41

PRISONS AND OTHER METHODS OF CORRECTION
Convict Road Force, deleting provision as to payment of allowances for work, amending § 53-103 682
Convict Road Force, deleting provisions as to payments to Director by Highway Commission certain funds for capital outlay projects, amending § 53-109.1 706
Convicts committing offenses, penalties, amending § 53-293 705
Driving under influence of intoxicants, abolishing provision as relating to suspension of jail sentence for second offense, repealing § 53-276 497

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Page

PRISONS AND OTHER METHODS OF CORRECTION—Continued
Jail farms of counties and cities, compensation basis, deleting provision as to consideration of value of prison labor, amending § 53-288 654
Misdemeanants at State farms, abolishing provision as to allowances for work, repealing § 53-97 107
Offenses committed by jail farm prisoners, jurisdiction of courts, adding § 53-198.1 351
Prisoners, commitment to jails of other counties or cities for safekeeping, conforming to revision of Title 19, amending § 53-142.. 565

PROCESS
See SERVICE OF PROCESS

PROFESSIONAL BONDSMEN
License taxes, qualifications, certification as to moral character, etc., amending § 58-371.2 831

PROPERTY AND CONVEYANCES
Deeds, etc.—See DEEDS AND DEEDS OF TRUST
Life estate, appointment of guardian ad litem for those under disability, validating prior orders or decrees, amending § 55-276.... 51
"Security trusts", defining, trustees thereof to be residents or as corporation to have principal office in State, recordation or docketing, adding § 55-58.1 873
Uniform Disposition of Unclaimed Property Act, enacting, adding §§ 55-210.1 thru 55-210.30 385

PUBLIC SERVICE CORPORATIONS
Nonstock corporations, purpose of formation, deleting sewage systems, amending § 13.1-204 356

PULASKI
Charter, amending 8

PULASKI COUNTY
Clerk's office closing on Saturday, amending § 17-41 753

PURCELLVILLE
Charter, amending 170

PURCHASES AND SUPPLY
Board of, creating, appeals from, abolishing Board of Accounts and Purchases, adding § 2-211.1, amending §§ 2-222, 2-267, repealing § 2-161.1 279
Director of Department furnishing copies of State publications to State Library, amending § 42-55 152
Director to have available State flags for sale to public, amending § 7-33.1 411
Flour, supply of other than soft winter wheat flour for special purposes, amending § 2-259 280

RADFORD
Banks closing on Saturday, amending § 2-20.1..... 896

RADFORD COLLEGE, WOMEN'S DIVISION
V. P. I. contracting with Radford for sewage disposal in connection with college 191

RADIATION MACHINES AND RADIOACTIVE MATERIALS
Requiring persons possessing, storing or using to register with State Health Board 360

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Page

RAILROADS
Crossings, no obligation to railroad if crossing relocated or highway approaches widened or reconstructed, amending § 56-405 850
Keeping intact certain unused tracks, providing for acquisition by localities, chambers of commerce or such, assessment, removal or abandonment 701
Taxation, property reports and reports of gross transportation receipts, when lien of State attaches, amending §§ 58-524, 58-526..... 409
VALC to study the economic situation of passenger railroad traffic and to suggest, plan and present legislative measures for relief, S. J. R. 9..... 1087

RAPPAHANNOCK COUNTY
Supervisors, increasing compensation, amending § 14-56.1..... 191

REAL PROPERTY
Brokers, qualifications for license, including certain experience, amending § 54-750 323
Person, firm, association making real estate mortgages or deeds of trust loans for resale making initial service, investigating or processing charge 691
Salesmen and brokers, bonds by counties, cities and towns, increasing, amending § 54-767 830
Va. State Bar and Va. State Bar Association to study tenants by entireties as to real and personal property, H. J. R. 95..... 1084

RECOGNIZANCES
Powers of judges of courts not of record to take upon continuation of case, conforming to revision of Title 19, amending § 16.1-90..... 564

REDEVELOPMENT AND URBAN RENEWAL AUTHORITY
Creating in Arlington County, adding §§ 36-55.1 thru 36-55.6 782

REGIONAL PLANNING AND ECONOMIC DEVELOPMENT COMMISSIONS
Accepting funds from U. S. or agency thereof or other agency, use of, amending § 15-891.3 832
Changing name, omitting "and economic development", adding § 15-891.10 833

REMOVAL OF CAUSES
Removal of certain pending suits, motions or other proceedings to certain other courts in same circuit on approval of court, amending §§ 8-157, 8-158 876

RESOLUTIONS
Accounting and bookkeeping, VALC to study laws, H. J. R. 48..... 1079
Architects and professional engineers, VALC to study statutes, S. J. R. 6..... 1087
Atomic energy, peaceful uses, VALC to continue study, S. J. R. 3..... 1086
Clerks of courts, records preservation, Virginia Court Clerks' Association to study, H. J. R. 21 1077
Constitution of Virginia
Amending Sections 1 and 2 of Article XVII (second reference), S. J. R. 13..... 1069
Amending Section 20 (first reference), H. J. R. 63 1074
Amending Section 30 (first reference), H. J. R. 64..... 1075
Amending by adding Sec. 50-a (first reference), H. J. R. 33..... 1070
Amending Sections 110, 118, 119, 120 (second reference), H. J. R. 34 1071
Court system of circuit and corporation courts, Supreme Court of Appeals and Judicial Council to study, S. J. R. 20..... 1090
Economy in Governmental Expenditures, Commission to consider programs of State sanatoria for tuberculars, S. J. R. 53..... 1092

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Page

RESOLUTIONS—Continued

Education, Public, continuing Commission on, H. J. R. 58 1080
Education, school bus operation on divided highways, State Board to study, S. J. R. 45 1091
Educational institutions, tuition charges, State Council of Higher Education to study, H. J. R. 74 1082
Eminent domain, VALC to continue study, H. J. R. 38 1078
Federal grants in aid, Commission on Constitutional Government to study, H. J. R. 60 1081
Fish, Oysters and Shellfish, Commission to study and revise Title 28 of Code, H. J. R. 45 1078
Game, inland fish and dog laws, VALC to study, H. J. R. 43 1078
Hospitalization, medical and surgical services, VALC to study laws as to contracts and plans, S. J. R. 54 1093
Insurance on State-owned buildings, VALC to study, H. J. R. 93 1084
Labor laws, VALC to study portions, S. J. R. 43 1091
Laws pertaining to duty of support, garnishment, tenant by the entireties for real and personal property, immunity of charitable institutions and insurance therefor, fiduciaries, judgment by confession, property rights of surviving spouse, Virginia State Bar and Virginia State Bar Association to study, H. J. R. 95 1084
Livestock, Commission to study grading, S. J. R. 17 1088
Milk inspection, VALC to study, H. J. R. 59 1080
Motor fuels, VALC to study allowances to dealers for shrinkage, evaporation and otherwise, S. J. R. 57 1094
Motor vehicles, VALC to study problem of driving under the influence of intoxicants and statutes relating thereto, H. J. R. 100 1086
New York World's Fair of 1964, Jamestown Foundation to study participation, H. J. R. 99 1085
Procedure for taking depositions, Judicial Council to study discovery procedure, H. J. R. 88 1082
Railroads, VALC to study economic situation of passenger railroad traffic and legislative measures for relief, S. J. R. 9 1087
Registration of voters, creating Commission, S. J. R. 52 1092
Sexual sterilization, VALC to study laws, S. J. R. 18 1089
Washington Metropolitan Area, passenger carrier facilities, Joint Commission continued, S. J. R. 41 1090
Zoning and planning, VALC to continue study, H. J. R. 89 1083

RESTAURANTS

Definition to include catering services, amending § 35-25 198

RETIREMENT AND PENSION SYSTEMS

Assistant Attorneys General, retirement under certain provisions applicable to judges and commissioners under certain conditions 732
Clerks of House and Senate, last-survivor annuities in lieu of retirement salary, adding § 51-29.7:1 407
Establishing by cities and towns, including counties within provisions, amending § 51-112 639
Local systems by counties and cities established prior to 1/1/59, reimbursement by State, appropriation, amending § 51-114.2 756
Members of Corporation and Industrial Commissions and certain judges, last-survivor annuity in lieu of retirement salary, adding § 51-28.1 213
State Police, basis on which officer who rejected membership may be credited with certain prior service, amending § 51-131 865

RETIREMENT SYSTEM, VIRGINIA SUPPLEMENTAL

Actuarial investigations and valuations, persons composing membership and participation by localities, amending §§ 51-111.22, 51-111.27, 51-111.31 thru 51-111.33 618

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RETIREMENT SYSTEM, VIRGINIA SUPPLEMENTAL—Continued
Definitions, including judges of county courts and certain employees of Army or Air National Guard, local systems, prior service records, survivor benefits for certain State officers and employees, etc., amending §§ 51-111.10, 51-111.11, 51-111.16, 51-111.29, 51-111.34, 51-111.38, 51-111.38:3, 51-111.46, 51-111.47, 51-111.55 thru 51-111.59, 51-111.62, 51-111.63, adding §§ 51-111.38:10 thru 51-111.38:16, 51-111.41:1, 51-111.58:1, 51-111.67:1 thru 51-111.67:13 920
Early retirement allowances, increasing, amending § 51-111.55 149
Game wardens, additional allowances to certain wardens who retired prior to 1/1/52 372
Prior service credits for service as a trial justice or judge of county court, adding § 51-111.41:1 395
Prior service credits, including certain justices of the peace, adding § 51-111.41:1 411

RICHMOND CITY
Appropriation for salary of additional judge for Hustings Court 893
Authorizing to convey to Commonwealth unpaved plot in center of Monument Avenue between Stuart Circle and Allen Avenue 376
Charter, amending 12
Circuit Court, jurisdiction, conforming to revision of Title 19, amending § 17-163 564
Funds in connection with sale of certain church property in city, investing half in bonds of State in name of Universalist general convention, amending 1895-96 Act 336
Hustings Court, additional judge, election, etc., adding § 17-153.1 203
Jury lists, number for the Hustings Court, Part II, and the Law and Equity Court, amending § 8-182 878
Registration and reregistration of voters, repealing 1944 Act and amendments 569
Sheriff filing with Compensation Board all fees, allowances, etc., amending § 14-145 892
Sheriff, maximum compensation, amending § 15-524 891

RICHMOND-HENRICO METROPOLITAN AREA COMMISSION
Creation 893

RICHMOND-PETERSBURG TURNPIKE AUTHORITY
Evidence as to rules and regulations, changing date for making annual report, amending § 33-255.41 740

ROANOKE CITY
Planning commissions, increasing members, appointment may be by mayor or council, amending § 15-901 364

ROANOKE COUNTY
Clerk's office closing on county holidays, amending § 17-41 30
County license taxes for businesses, trades, etc., limitation as to tax in towns, amending §§ 58-266.2, 58-266.3 861
Dumps for waste material, increasing acreage, amending § 15-707 362
Property owners, removing trash, litter, etc., adding § 15-15.2 213
Special County Police Department, providing for establishment, amending Ch. 230, 1958 Acts 219

ROCKBRIDGE COUNTY
Supervisors, compensation, amending § 14-56.1 191

ROCKINGHAM COUNTY
Open season for gigging German carp in Shenandoah River, amending Ch. 459, 1956 Acts 378

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Page

RUDEE INLET AUTHORITY
Creating 294

RUSSELL COUNTY
Shooting and gigging of certain fish in Clinch River, amending Ch. 236, 1934 Acts, repealing Ch. 190, 1948 Acts..... 412

SALES TAXES
Alcoholic beverages, including wine, imposition, collection, use of proceeds, adding § 4-15.1 609
Alcoholic beverages, excise tax on beer and 3.2 beverages, increasing, amending §§ 4-40, 4-108 633
Tobacco products, excluding chewing tobacco, smoking tobacco and snuff, imposition, collection, use of proceeds..... 600

SANITARY DISTRICTS
Enlargement and merger in certain counties, petition, bond issues, validating procedure and bond issues, amending 1926 Act..... 866
Special policemen, appointment by governing body, condemnation of lands for water and sewer lines, amending § 21-118 43
Validating all proceedings in creation and proceedings in connection with bond issues in any district 871

SANITATION DISTRICTS
Hampton Roads Sanitation District, validating creation and enlarging provisions, repealing Ch. 407, 1940 Acts, Ch. 353, 1946 Acts, and Ch. 471, 1956 Acts 69

SATURDAYS
Observance by certain persons as Sabbath, omitting "and does not on that day disturb any other person", amending § 18-330 724

SAVINGS AND LOAN ASSOCIATIONS
See under BANKING AND FINANCE

SCOTT COUNTY
Shooting and gigging of certain fish in Clinch River, amending Ch. 236, 1934 Acts, repealing Ch. 190, 1948 Acts..... 412
Squirrel season, amending Ch. 202, 1950 Acts 804
Supervisors, clerk of board, compensation, amending § 15-239..... 107

SELF, BRADLEY M.
Relief (payment from Dept. of Conservation and Economic Development) 570

SENATE
Clerk, retirement, last-survivor annuity, adding § 51-29.7:1..... 407
List of Senators, showing post office, residence, telegraph office and district represented 1115
Officers and employees 1117
Seating arrangement 1118

SERVICE OF PROCESS
County and municipal courts, fees for service of process, no fee for reissuance within a certain time, amending § 14-133..... 22
Powers of courts not of record, conforming to revision of Title 18, amending §§ 16.1-26, 16.1-27 493
Suits for divorce, how notices served, including within provisions, suits for annulling marriage, amending §§ 8-54, 8-76..... 21

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SESSION Page
Began January 13, 1960
Ended March 28, 1960

SETTLE, JAMES M.
Relief 938

SHENANDOAH COUNTY
Open season for gigging German carp in Shenandoah River, amending Ch. 459, 1956 Acts 378

SHERIFFS AND SERGEANTS
Compensation, increasing maximum, special provisions in certain counties, amending § 14-86, adding § 14-86.1 787
Sheriff of Richmond City, filing with Compensation Board, all fees, allowances, etc., amending § 14-145 892
Sheriff of Richmond City, maximum compensation, amending § 15-524 891

SLOT MACHINES
See VENDING MACHINES

SMALL LOAN COMPANIES
See under BANKING AND FINANCE

SMITH ISLAND BRIDGE AUTHORITY
Creating for construction, maintenance, etc., of a bridge from certain points on Smith Island to certain point or points in Northampton County 789

SMITH, MR. AND MRS. LUTHER
Relief 660

SMITHFIELD
Charter, amending 59

SMYTH COUNTY
Dogs killing livestock and poultry, compensation, amending § 29-202.... 183
Supervisors, compensation, amending § 14-56.1 191

SOIL CONSERVATION
Watershed projects, counties spending money for, no limitation, amending § 15-11 176

SOIL CONSERVATION DISTRICTS
Membership of Committee, areas included within, elections and expenses as to, amending §§ 21-6, 21-29, 21-37, 21-38, 21-41..... 216

SOUTH BOSTON
Charter, new 283

SOUTHAMPTON COUNTY
Supervisors, clerk of board, compensation, amending § 15-239..... 107

SPOTSYLVANIA COUNTY
Dog laws, enforcement by dog wardens, amending § 29-184.3 414
Squirrel season, repealing 1948 Act and amendments..... 23

STAFFORD COUNTY
Prohibiting killing deer within 100 yards of primary or secondary highway 414
Supervisors, compensation, amending § 14-56.1 191

STATE BOARDS OF EXAMINERS
Per diem allowances, amending §§ 45-26, 54-24, 54-98, 54-260.13, 54-295.7, 54-341, 54-395, 54-398.12, 54-741, 54-789 65

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Page

STATE EDUCATION ASSISTANCE AUTHORITY
Creating to encourage, foster and facilitate the industrial and economic development, appropriation 767

STATE FLAG
Sale by Director of Department of Purchases and Supply, amending § 7-33.1 411

STATE OFFICIALS
Listed 1113

STATE PROPERTY
VALC to study insurance on, H. J. R. 93 1084

STATUTORY RESEARCH AND DRAFTING, DIVISION OF
Continuance or time for filing pleading, etc., including employees of, as well as members, officers and employees of General Assembly, amending § 30-5 157

STAUNTON
Establishing boundary of city and property of Western State Hospital 148

STEPHENS CITY
Charter, amending 331

STOCK AND POULTRY FEED
Commercial feed, to include "materials" instead of "feeds", and those intended for aquatic creatures and birds other than poultry, amending § 3-619 350

"STONEWALL JACKSON MEMORIAL HIGHWAY"
Designating portion of U. S. Highway No. 340, marking 299

STUDY COMMISSIONS AND REQUESTS
Clerks of courts, records preservation, Virginia Court Clerks' Association to study, H. J. R. 21 1077
Court system of circuit and corporation courts, Supreme Court of Appeals and Judicial Council to study, S. J. R. 20 1090
Economy in Governmental Expenditures, Commission to consider programs of certain State institutions, S. J. R. 53 1092
Education, Public, continuing Commission, H. J. R. 58 1080
Education, school bus operation on divided highways, State Board to study, S. J. R. 45 1091
Education, tuition charges, State Council of Higher Education to study, H. J. R. 74 1082
Federal grants in aid, Commission on Constitutional Government to study, H. J. R. 60 1081
Fish, oysters and shellfish, Commission to study and revise Title 28 of Code, H. J. R. 45 1078
Laws pertaining to duty of support, garnishment, tenant by the entireties for real and personal property, immunity of charitable institutions and insurance therefor, fiduciaries, judgment by confession, property rights of surviving spouse, Virginia State Bar and Virginia State Bar Association to study, H. J. R. 95 1084
Livestock, Commission to study grading, S. J. R. 17 1088
New York World's Fair of 1964, Jamestown Foundation to study participation, H. J. R. 99 1085
Procedure for taking depositions, Judicial Council to study discovery procedure, H. J. R. 88 1082
Registration of voters, creating Commission, S. J. R. 52 1092
Washington Metropolitan Area, passenger carrier facilities, Joint Commission continued, S. J. R. 41 1090

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Page

SUFFOLK
Authorizing city to sell and convey City Hall and Municipal Building.... 45

SUMMARY OF BILLS
Number introduced, passed, approved, and those that were vetoed or failed to become law because not approved by the Governor..... 1130

SUNDAYS
Observance of Saturday as Sabbath by certain persons, omitting "and does not on that day disturb any other person", amending § 18-330 724
Working on, enacting new provisions, amending § 18-329, adding §§ 18-329.1, 18-329.2 332

SUPERVISORS
Clerks of boards, increasing compensation in 16 counties, amending § 15-239 107
Compensation, increasing in 23 counties and the chairmen in Franklin and Washington, amending § 14-56.1 191
Meetings, twice monthly in Princess Anne County, amending § 15-241.. 41
Special meetings, notice of not less than 24 hours in Alleghany County, amending § 15-243 655

SUPREME COURT OF APPEALS
Justices, listed 1114
Requesting to study circuit and corporation court system, together with the Judicial Council, S. J. R. 20..... 1090
Terms 1095

SUPERINTENDENTS OF HOSPITALS
Listed 1114

SURRY COUNTY
Clerk's office closing on Saturday with consent of judge and governing body, amending § 17-41 753
Deer damaging fruit trees and crops, killing, disposition, amending § 29-145.1 133
Squirrel season, deleting from provisions applying to certain counties, amending Ch. 87, 1950 Acts 134

SURVEYORS
Land surveyors to pay same annual renewal fee as architects and professional engineers, amending § 54-31 17
See also ARCHITECTS, etc.

SUSSEX COUNTY
Dogs killing livestock and poultry, compensation, notice by owner, amending § 29-202 183
Supervisors, clerk of board, compensation, amending § 15-239..... 107

TAXATION
Assessment of new buildings and extending time for payment, amending § 58-811.1 657
Building and loan associations, substituting in lieu thereof, savings and loan associations as to exception as to income taxes, and payment of franchise and license taxes, amending §§ 58-128, 58-373, 58-443, repealing § 58-461 620
Collection of taxes out of estate in hands of or debts due by third party, summons, amending § 58-1010 879
Commissioner and employees, traveling expenses, deleting "while absent from Richmond" and "to be sworn to by person incurring them", amending § 58-32 406

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Page

TAXATION—Continued

County depositories and Finance Board, disbursement by treasurers of money deposited, designating two or more deputies to sign checks, amending § 58-951 833
County license taxes for businesses, trades, etc., in certain counties, including Roanoke and Pittsylvania Counties, no tax in towns if town already imposes one, amending §§ 58-266.2, 58-266.3 861
County-owned securities, holding by custodians, deposit of securities pledged by depositories and custodians, adding § 58-943.3, amending § 58-945 111
Erroneous assessments, correction of clerical error or calculation without petition and no time limit, refunds not made after lapse of three years, amending §§ 58-1142, 58-1152.1 852
Exempting property of Va. Home for the Incurables, amending § 58-12 611
Income taxes of corporations, exceptions, substituting mutual savings and loan associations for building and loan associations, also as to franchise and license taxes, amending §§ 58-128, 58-273, 58-443, repealing § 58-461 620
Income taxes of corporations, domestic corporations and definitions; allocation and apportionment of net income from corporate business taxable within and without the State, abolishing as to corporations doing no business in the State, amending §§ 58-128, 58-129, 58-131, 58-131.1, 58-134, 58-148, 58-151, 58-418, adding §§ 58-131.2 thru 58-131.18, repealing § 58-18..... 696
Income taxes of corporations, liquidation, when no gain or loss recognized from sale or exchange, adding § 58-86.6 317
Income taxes of individuals, deductions as to disability, medical, dental, etc., expenses, at 65 or over, limitations, amending § 58-81..... 379
Income taxes of individuals, and taxes on income from trusts and estates, nonresident provisions, amending §§ 58-101, 58-121..... 942
Inheritance taxes, computation of property passing to a beneficiary, exempting certain U. S. annuities, amending § 58-153..... 849
Intangible personal property, capital, including insurance policies on life of any person, amending § 58-411 412
Intangible personal property, returns, time for filing assessment of taxes, sheets and forms, accelerating time for payment, amending §§ 58-425 thru 58-427, 58-434, 58-435, 58-440, 58-441..... 798
License taxes on insurance companies, exempting certain mutual assessment fire insurance companies, amending § 58-494..... 716
License taxes on auctioneers, uniform tax, amending § 58-286, repealing §§ 54-793, 54-794, 58-285, 58-287, 58-288, 58-288.1..... 160
License taxes on permanent amusement parks, no separate license tax for certain coin-operated devices, amending § 58-268 384
License taxes on vending machines, including coin change-making machines but exempting those on premises of licensed retail merchants, amending §§ 58-355, 58-362 62
Local city and town taxes on stocks of banks and trust companies having branches, payments out of State Treasury to certain counties, records of deposits thru branches, amending §§ 58-476, 58-476.1, 58-481, adding §§ 58-476.2 thru 58-476.6, repealing §§ 58-477, 58-477.1, 58-478, 58-478.1, 58-483 399
Manufacturing establishments, exempting from local taxation in what used to be Elizabeth City County, repealing § 58-17 767
Personal property books, commissioners of the revenue, penalty for failure to deliver copies within certain time, amending § 58-884..... 53
Professional bondsmen, license taxes, qualifications, certification as to moral character, etc., amending § 58-371.2 831
Railroads and canal corporations, property reports and reports of gross transportation receipts, when lien of State attaches, amending §§ 58-524, 58-526 409
Real estate and personal property taxes, deducting contributions to private schools, limitation..... 202

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TAXATION—Continued Page
Reassessments, extending time in certain counties, adding § 58-792.5.... 408
Reassessments, extending time in Henry County, adding § 58-792.3..... 121
Reassessment in certain counties, extending time, including Prince George and Campbell Counties, amending § 58-792.1..... 112
Sales tax on tobacco products, excluding chewing tobacco, smoking tobacco and snuff, imposition, collection, use of proceeds..... 600
Tangible personal property, local taxation of certain property leased to agency of Federal government, adding §§ 58-831.1, 58-831.2..... 310
Tangible personal property, separate classification as to certain boats and vehicles without motive power used as homes or offices, amending § 58-829, adding §§ 58-829.2, 58-829.3..... 659
Taxpayers, credits for property given or sold to church or religious body, certificate of clerk, relief, amending §§ 58-822 thru 58-824.. 61
Vending machines, license taxes, including coin change-making machines but excluding those on premises of retail merchants, amending §§ 58-355, 58-362 62
Wills or grants of administration, tax imposed by localities, adding § 58-67.1 64

TELEVISION
Counties, cities and towns providing for establishment and operation of educational stations, permissive 841

TENANTS BY ENTIRETY
Va. State Bar and Va. State Bar Association to study as to real and personal property, H. J. R. 95..... 1084

TOBACCO
Sales tax on products, excluding chewing tobacco, smoking tobacco and snuff, imposition, collection, use of proceeds..... 600
Severance taxes on bright flue-cured tobacco, increasing, amending § 3-249 52
Warehouses, duties and liabilities of samplers and proprietors, insurance provisions, amending § 61-132 208

TOWNS
Acquisition of property by gift or purchase, but not by condemnation, land for development of business and industry, leasing or sale, amending § 15-7.2 850

TREASURERS
City treasurers, bond on transition of town to city, amending § 15-93.... 835
City treasurers, increasing maximum salary brackets by 10%, adding § 14-68.3 640
County treasurers, increasing maximum salary brackets 10%, adding § 14-69.3 658

TRESPASS
Prohibiting a person from conspiring, confederating or combining with another or others to trespass on certain property, adding § 18-7.1 114
Prohibiting person from soliciting or encouraging another or others to trespass upon certain property, penalty, adding § 18-225.2..... 113
Trespass on lands, buildings or premises of another after having been forbidden, broadening provisions and increasing penalties, amending § 18-225 113

TRIAL JUSTICES
See JUDGES OF COURTS NOT OF RECORD

TRUSTEES
Deeds and deeds of trust—See DEEDS AND DEEDS OF TRUST
"Security trustees", defining, trustees thereof to have residence in State or as corporation to have principal office in State, recordation or docketing, adding § 55-58.1..... 873

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Page

TUBERCULOSIS
Directing the Commission for Economy in Governmental Expenditures to consider programs in the several State sanatoria, S. J. R. 53.... 1092

UNEMPLOYMENT COMPENSATION
Appropriation out of Special Unemployment Compensation Administration Fund for acquisition of land and erection of building for use of the Commission.... 109
Appropriation to Commission out of funds under § 903 of the Social Security Act for acquisition of land and erection of building for use of the Commission.... 96
Changing name to Virginia Employment Commission, definitions, benefit amounts and rights, eligibility, contribution rates, credits, etc., amending §§ 60-10, 60-26, 60-42, 60-44, 60-45.2, 60-47, 60-67, 60-68, 60-70 thru 60-73.1, 60-75, 60-76.2 138
Unemployment Compensation and Administration Funds, expenditure for administrative purposes under certain conditions, amending §§ 60-92, 60-96, adding § 60-94.1.... 56

UNITED STATES
Authorizing Governor and Attorney General to convey certain formerly submerged lands in Willoughby Bay, Mason Creek, Theleball's Creek and Boush Creek in Norfolk City.... 727
Authorizing Governor to convey to U. S., certain lands situate in James River in city of Newport News.... 860
Federal grants in aid, Commission on Constitutional Government to study, H. J. R. 60 1081

UNIVERSALIST CHURCH OF AMERICA
Use of funds from sale of certain Unitarian church property, amending 1895-96 Act 336

UNIVERSITY OF VIRGINIA
Authorizing Rector and Visitors to borrow from U. S. or other source for erection of dormitories, no liability as to operation or maintenance, priority to residents of State.... 666
Authorizing Rector and Visitors to borrow from U. S. or other source for erection of apartments for married students, no liability of State as to operation or maintenance, priority to residents of State 654
Board of Trustees of Va. Museum of Fine Arts to institute proceeding for conveyance of "The Gari Melchers Memorial" property to University for benefit of Mary Washington College.... 54

VENDING MACHINES
Amusement parks, license taxes to cover certain coin-operated devices, excepting pin-ball machines, amending § 58-268 384
License taxes, including coin change-making machines but exempting those on premises of licensed retail merchants, amending §§ 58-355, 58-362 62

VETERINARIANS
Increasing fee for examination, amending § 54-788.1 17

VETERINARY BOARD, STATE
Exempting from provision as to filing copies of examinations with Secretary of Commonwealth, amending § 54-1 16

VETERINARY EXAMINERS
Per diem allowances, use of funds from fees, amending § 54-789.... 65

VETOES 1130

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Page

VICTORIA
Expenditures for advertising purposes, deleting as to special provisions, amending § 15-13 186

VIENNA
Charter, amending 288

VIRGINIA ADVISORY LEGISLATIVE COUNCIL STUDIES
Accounting and bookkeeping, laws, H. J. R. 48..... 1079
Architects and professional engineers, statutes as to, S. J. R. 6..... 1087
Atomic energy, peaceful uses, continuing study, S. J. R. 3..... 1086
Eminent domain laws, continuing study, H. J. R. 38..... 1078
Game, inland fish and dog laws, H. J. R. 43..... 1078
Hospitalization, medical and surgical services, laws as to contracts and plans, S. J. R. 54..... 1083
Insurance on State-owned buildings, H. J. R. 93..... 1084
Labor laws, certain portions of, S. J. R. 43..... 1091
Milk inspection, H. J. R. 59..... 1080
Motor fuels, allowance to dealers for shrinkage, evaporation and otherwise, S. J. R. 57 1094
Motor vehicles, problem of driving under influence of intoxicants and statutes relating thereto, H. J. R. 100..... 1086
Railroads, economic situation of passenger railroad traffic and legislative measures for relief, S. J. R. 9 1087
Sexual sterilization laws, S. J. R. 18..... 1089
Zoning and planning, continuing study, H. J. R. 89..... 1083

VIRGINIA AND AMERICAN HISTORY MONTH
Designating period between January nineteenth and February twenty-second, 1961, and each succeeding year..... 414

VIRGINIA ATHLETIC COMMISSION
Additional authority of Commission to revoke, suspend or place on probation the license of any licensee, amending § 9-42..... 372
Injunctive relief for violations, adding § 9-44.1..... 703
Investigations by, deleting provisions as to additional powers and instituting criminal proceedings, amending § 9-16.1 374
Power to institute criminal or civil proceedings as to violations, adding § 9-44.2 703
Prohibiting interference with or restraint of the conduct of professional boxing and wrestling matches or exhibitions, adding § 9-16.2 702
Provisions for issuance of licenses to promote, etc., professional boxing and wrestling matches, and fixing standards, amending § 9-23 373

VIRGINIA BEACH
Charter, amending 40

VIRGINIA COURT CLERKS' ASSOCIATION
To make study as to preservation of certain documents in offices of clerks of courts, H. J. R. 21..... 1077

VIRGINIA EMPLOYMENT COMMISSION
Name changed from Unemployment Compensation Commission—See UNEMPLOYMENT COMPENSATION.

VIRGINIA HOME FOR THE INCURABLES
Exempting property from local taxation, amending § 58-12..... 611

VIRGINIA MILITARY INSTITUTE
Board of Visitors, increasing number, two nonresident alumni and ten resident alumni, effective date, amending §§ 23-93, 23-94..... 198

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VIRGINIA POLYTECHNIC INSTITUTE
Authorizing Board of Visitors to accept from City of Danville, The Danville Technical Institute 203
Contracting with Radford for sewage disposal in connection with Radford College 191

VIRGINIA REAL ESTATE COMMISSION
Per diem allowances to members, amending § 54-741 65

VIRGINIA STATE BAR AND VIRGINIA STATE BAR ASSOCIATION
To study laws pertaining to duty of support, garnishment, tenants by the entirety, for real and personal property, immunity of charitable institutions and insurance therefor, fiduciaries, judgment by confession, property rights of surviving spouse, H. J. R. 95..... 1084

VIRGINIA STATE COLLEGE
State Board of Education to convey all water rights of college to city of Petersburg, proceeds deposited into State treasury..... 717
State Board to sell real estate in Norfolk City, use of proceeds..... 32

VITAL STATISTICS
Revising, rearranging, amending and recodifying laws, repealing §§ 32-322 thru 32-353.3, adding §§ 32-353.4 thru 33-353.31..... 706

VOTING PRECINCTS IN CITIES
Listed 1109

VOTING PRECINCTS IN COUNTIES
Listed 1102

WARDS OR VOTING PRECINCTS
Names or numbers in cities..... 1109

WARREN COUNTY
Banks closing on Saturday, amending § 2-20.1 29

WARRENTON
Charter, amending 660

WASHINGTON AND OLD DOMINION RAILROAD
Highway Commissioner purchasing lands 405

WASHINGTON COUNTY
Dog laws and dog wardens, deleting county as exception to provisions, amending § 29-184.2 656
Shooting suckers, red-horse and carp in South fork of Holston River, season, bag limit, amending Ch. 236, 1934 Acts, repealing Ch. 190, 1948 Acts 412
Supervisors, compensation, increasing, including chairman, amending § 14-56.1 191

WASHINGTON METROPOLITAN AREA
Joint commission on passenger carrier facilities, continuing, S. J. R. 41 1090

WATER AND SEWER AUTHORITIES
Joinder and withdrawal by political subdivisions, amending § 15-764.10 369
Powers as to eminent domain and borrowing and procedure therefor, amending § 15-764.12 677

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Page

WATER SUPPLIES
Erection of dams by cities and towns for enlarging, abolishing, repealing §§ 15-740 thru 15-746 730
Expenditures of general funds to provide sources of public water supply in certain counties, including Nelson, Norfolk, Campbell and Amherst Counties, amending Ch. 18, Ex. 1959 Acts..... 806

WATERS OF THE STATE
Authority for use of subaqueous beds, to include dams, flood control projects, docks, etc., authority of Attorney General as to trespass or encroachment, adding § 62-2.1 914
Establishing jurisdiction of Commonweath over offshore waters along the coasts and lands lying thereunder, adding § 7-1.1 826
Obstructing Louisa Fork of Big Sandy River, substituting "Levisa" Fork and making unlawful to dump dirt, stone, coal, etc. on banks and in channels, amending § 62-190 324
Ownership of beds of bays, creeks and shores, Commission of Game and Inland Fisheries to control land under Back Bay, its tributaries and the North Landing River from the N. C. line to North Landing Bridge, amending § 62-1 861
Unlawful dumping of garbage or refuse, dirt, rocks, etc., amending § 62-183 315

WELFARE
Aid to dependent children, blind, totally disabled and old age assistance, to include hospitalization, amending § 63-101..... 597
Hospitalization contracts for the indigent, Board to promulgate and distribute uniform eligibility standards, amending § 32-294..... 196
Juvenile delinquents committing offenses while in custody of Department, transfer to other courts for trial, amending § 63-373.1..... 215
Juvenile delinquents, commitment to Department of Mental Hygiene and Hospitals, adding § 16.1-178.2 118
Juvenile delinquents, putting in custody of local boards, adoption, etc., amending §§ 16.1-178, 63-73, 63-241, 63-351 392
Local board in Albemarle County, county executive serving on, amending §§ 15-285, 15-290 804
Local boards, terms of office, retirement at 70, duties of local superintendents, amending §§ 63-78, 63-96..... 216
Old age assistance, aid to dependent children, aid to the blind and general relief, no action to force local payments if local budgets approved by Commissioner, amending §§ 63-135, 63-136, 63-157, 63-158, 63-199, 63-200, 63-212 693
Old age assistance, execution of deeds of trust by recipients, redemption and foreclosure, adding § 63-127.1 912
VALC to study laws relating to sexual sterilization, S. J. R. 18..... 1089
Wards in foster homes, allowances for work done, amending § 63-369.1 611

WESTERN STATE HOSPITAL
Establishing boundary between property and city of Staunton..... 148

WILLIAM AND MARY, COLLEGE OF
Authorizing Eastern State Hospital to convey certain real estate to, and to authorize College to negotiate with Colonial Williamsburg for exchange of certain real estate 910
Board of Visitors to convey certain property containing 18th century location of "Travis House" to Colonial Williamsburg, Inc. 325
Board of Visitors to convey property including site of 18th century public hospital and Custis family property to Colonial Williamsburg, Inc. 326
Board of Visitors to convey certain property to United States and certain property to Williamsburg 55
Divisions to include those at Newport News and Petersburg, amending § 23-49.1 58

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WILLIAM AND MARY, COLLEGE OF—Continued Page
Governor and Hospital Board conveying as gift certain property of Petersburg Training School and Hospital ... 406
Names to include "Colleges" instead of "College", increasing number of visitors, chief executive officer, etc., amending §§ 23-14, 23-39, 23-40, 23-41, 23-42, 23-44, 23-45, 23-47, 23-49, 23-49.1, repealing § 23-48 ... 188

WILLIAMSBURG
Charter, amending ... 44
Commissioner in chancery acting as bail commissioner by appointment of judge, amending § 19-92.1 ... 50

WILLS
Tax on probate, imposition by localities, adding § 58-67.1 ... 64

WISE COUNTY
Clerks of counties, allowances, increasing, amending § 14-163.1 ... 348
Dog wardens, compensation, disposition of funds, amending § 29-184.2 656
Supervisors, clerk of board, compensation, amending § 15-239 ... 107

WITNESSES
Contradiction by prior inconsistent writing, exceptions as to actions on insurance policies for personal injuries or death by wrongful act, amending § 8-293 ... 124
Testimony of husband and wife in prosecution against a minor child over sixteen, amending § 8-288 ... 726

WOODSTOCK
Charter, amending ... 681

WORKMEN'S COMPENSATION
Agreements as to payment of compensation, compromising of claim binding, amending § 65-90 ... 357
Attorneys' fees in certain compensation cases involving third parties, apportionment, amending §§ 65-38, 65-39, adding § 65-39.1 ... 108
Benefits, increasing in cases of total incapacity, partial incapacity, death, limitation as to total compensation, amending §§ 65-51, 65-52, 65-62, 65-68 ... 863
Definition of "employee" to include clerks of juvenile and domestic relations courts, amending § 65-4 ... 158
Medical attention, extending period on approval of a member of the Industrial Commission, amending § 65-85 ... 890
Medical attention, extending time for, amending § 65-85 ... 365
Medical attention, including proper fitting and training in use of certain appliances, amending § 65-85 ... 702
Occupational diseases, limitation of claims for, amending § 65-49 ... 356
Termination of dependency as to minor dependent, amending § 65-6€ 357

WYTHE COUNTY
Dogs killing livestock and poultry, compensation, amending § 29-202 ... 183

WYTHEVILLE
Charter, amending ... 163

YORK COUNTY
Sheriff, salary, increasing maximum, amending § 14-86 ... 787
Supervisors, compensation, amending § 14-56.1 ... 191

ZONING
Boards of appeals in certain counties, abolishing provisions as to effective dates of certain decisions and certain appeals, repealing §§ 15-870.1, 15-873.1 ... 161
Ordinances, validating proceedings prior to 1/1/59, adding § 15-854.1 18
Regulations in Chesterfield and Henrico Counties for gradual elimination of uses of land and buildings, amending § 15-884 ... 163
VALC to continue study of laws, including planning laws, H. J. R. 89 1083

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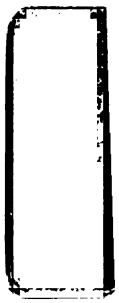

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